



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**902 REVIEW APPLICATION (CIVIL) NO. 144 OF 2025
IN CIVIL APPLICATION NO.3372 OF 2019
IN FA/290/2007**

SANJAY ASAMAN PHALKE

VERSUS

S R SETHI AND ANR

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Mr. Pravin M. Kulkarni, Advocate for the Applicant

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 04.10.2025

PER COURT :-

1. Heard Mr. Kulkarni, the learned counsel appearing for the applicant at length.

2. By the present application, the applicant prays for review/recall of order dated 07.03.2025, passed by this Court in Civil Application No.3372 of 2019, whereby, the permission for leading additional evidence at the appellate stage, has been declined.

3. Needless to say that in Civil Application No.3372 of 2019, the applicant had prayed for permission to lead /

production of additional evidence to prove his 60% disability of earning capacity due to imputation of his right leg below the knee and tried to produce additional evidence i.e. certificate dated 29.06.2012 issued by the Commanding Officer, 116 Engineering Regiment, wherein, it has been certified that the applicant was discharged from service being permanent LMC in case suitable sheltered appointment is not available considering restriction imposed on his employability by medical authority.

4. The said certificate obtained by the applicant subsequent to judgment and award passed by the learned Member, Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P. No.201 of 2001, therefore, the learned Member, Motor Accident Claims Tribunal, Ahmednagar, granted compensation of Rs.2,31,000/-, inclusive of N.F.L., with interest at the rate of 9% p.a. from the date of filing of the petition till its realisation. The applicant has not brought any special circumstances on record to show that what cause prevented him to bring such certificate prior to conclusion of the trial or prior to he entered into the witness box though he was in service with Commanding Officer. So also, the applicant has not make out substantial ground in this application to modify or review the order

dated 07.03.2025, passed by this Court in Civil Application No.3372 of 2019. Therefore, the present Review Application is rejected.

[Y. G. KHOBRADE, J.]

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