



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

**CIVIL APPLICATION NO. 4735 OF 2025
IN FA/97/2024**

**THE NEW INDIA INSURANCE CO. LTD.
VERSUS
KIRTI SHIVAJI KOTHULE AND ORS**

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Mr. Suraj R. Bagal, Advocate for Applicant.

Mr. D. S. Bhapkar, Advocate for Respondent Nos.1 to 4.

Mr. R. S. Kasar, Advocate for Respondent Nos.5 and 6.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. Mr. Bagal, learned Advocate appearing for applicant submits that there appears inadvertent error in paragraph nos.10 and 11 of judgment dated 27.03.2025 as regards to age of deceased and consequential calculation of amount.
3. He invites attention of this Court to paragraph no.16 of judgment delivered by Tribunal in M.A.C.P. No.365/2021, which was impugned in First Appeal No.97/2024 and submits that date of birth of deceased is found to be 07.05.1981. The deceased was more than 40 years of age at the relevant time. He submits that future prospects have been awarded by this Court @ 40% assuming age of deceased as 38 years, that needs to be corrected. He further submits that in paragraph no.11 consortium amount of Rs.1,62,000/- is typed which needs to be corrected as Rs.1,60,000/-.
4. Apparently, age of deceased is wrongly assumed as 38 years in paragraph no.10 of judgment dated 27.03.2025. Consequently,

addition of future prospects is made @ 40% instead of 25% as permissible as per law laid down in case of *National Insurance Company Limited Vs. Pranay Sethi & Ors.*¹.

5. In that view of the matter, consequential corrections needs to be made in calculation shown in paragraph no.11 and operative part of judgment dated 27.03.2025. Similarly, typing error as to consortium amount needs correction. In result, Civil Application is **allowed**.

6. The judgment dated 27.03.2025 passed in First Appeal No.97/2024 be modified/corrected accordingly and uploaded with consequential changes.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2025

¹ AIR 2017 SC 5157.