

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

CIVIL APPLICATION NO. 5357 OF 2025

IN

FIRST APPEAL NO. 4380 OF 2017

United India Insurance Co. Ltd. Through its Branch Manager

VERSUS

Soniya W/o. Maroti Aghav And Ors

...

Mr. Suraj R. Bagal - Advocate for Applicant

Mr. Abhishek M. Hajare - Advocate for Respondent No. 6

WITH

FIRST APPEAL NO. 4380 OF 2017

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CORAM : NEERAJ P. DHOTE, J.

DATED : 06TH MAY 2025

PER COURT : -

1. The Application is not on board. Taken on board at the request of learned Advocate for the Applicant. The office shall register the present Application.

2. This is an Application by the Insurance Company in the disposed off First Appeal No. 4380 of 2017 decided by Judgment and Order dated 29.04.2025, by which the Appeal has been partly allowed and the amount of total compensation arrived at by the learned Tribunal is modified.

3. It is submitted by the learned Advocate for the Applicant/Insurance Company that the Insurance Company has deposited 75% amount under the Award and since this Court has modified the amount of compensation, the excess amount which is deposited with this Court be directed to be refunded to the Applicant/Insurance Company.

4. The learned Advocate for the Claimants submits that the Application shall not be considered as the Claimants are intending to challenge the order of this Court before the Hon'ble Apex Court of India.

5. The Appeal has been disposed off finally by the aforementioned Judgment and Order. The office has also raised query by way of office note as to whether the interest @ 7.5% p.a would be applicable to the Claimants as per the Award of Tribunal and whether the balance amount along with interest is to be refunded to the Insurance Company.

6. The operative order of the aforesaid Judgment is clear. Only the total amount of compensation has been modified and not the interest rate. The impugned Award is modified only to the extent of total amount of compensation. Considering the above aspects, this Application is allowed in terms of prayer clause 'B' thereof. This order shall take effect after a period of four (4) weeks from today.

[NEERAJ P. DHOTE]
JUDGE