

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 10830 OF 2025
IN
FIRST APPEAL NO.2447 OF 2005**

The New India Assurance Co. Ltd. Applicant
In the matter of
Swapnil Jaysing Patil Appellant
Versus
Prabhakar Dattu Rasarl and anr. Respondents.

Ms.Sneha S. Dwivedi, for the Applicant-Insurance Company.
Ms.Vrunali Vilankar i/b Mr.Tejal Ingale, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th AUGUST 2025

P.C:-

1. Learned counsel for the applicant, at the outset, seeks leave to amend the application so as to correct the enhanced amount and consequential amendment. Leave granted. Necessary amendment be carried out forthwith.

2. By this Application, the Applicant-Insurance Company is seeking modification of the Judgment dated 17th January 2025 passed by this Court in First Appeal No.2447 of 2005.

3. Learned counsel for the applicant submitted that the appellant is entitled to enhanced amount of Rs.2,55,000/-. Hence, the judgment is required to be modified by adding following

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paragraph at the end of paragraph 5 of the judgment:

“The Appellant-claimant is also entitled for medical expenses of Rs.21,709/- already spent on hospitalization over and above Rs.3,00,000/-. Thus, the appellant is entitled to Rs.3,21,709/-. If the amount of Rs.66,709/- granted by the Tribunal, is deducted from Rs.3,21,709/- considered by this Court, it comes to Rs.2,55,000/-, which is an enhanced amount and the appellant-claimant are entitled to it @ 7.5% interest per annum.”

4. In view of above, learned counsel for the applicant further submitted that in clause (2) of the Operative part of the order, the enhanced amount be corrected to **“Rs.2,55,000/-”**.

5. Learned counsel for the appellant/claimant has no objection for the aforesaid modification.

6. In view of above, the judgment dated 17th January 2025 be modified in above terms. Rest of the judgment remains as it is.

7. The interim application stands disposed of in above terms.

(SHIVKUMAR DIGE, J.)