

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9705 OF 2024
IN
FIRST APPEAL NO. 1299 OF 2015**

Mrs. Sunita Sham Kapadane And Anr. ... Applicants

versus

Mr. Sudam Tukaram Pared And Anr Respondents

Mr. Tushar N. Sonawane, Advocate for the Applicant.

Ms. Varsha Chavan, Advocate for Respondent No.2-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th MARCH, 2025.

P.C. :

1. By this interim application, the applicants are seeking modification of judgment and order dated 26th February 2024 passed by this Court.

2. It is contention of learned counsel for the applicants that the applicants had filed appeal for enhancement of compensation. This Court has allowed the appeal. In paragraph 6, this Court has considered the income of deceased at Rs.2,65,456/- but in calculation the said amount is not considered, hence, requested to allow the application.

3. Learned counsel for respondent No.2 strongly objected to allow the application on the ground that this Court has passed well-reasoned order, hence, the order is not required to be modified and requested to reject the application.

4. I have heard both learned counsel, perused the judgment and order passed by this Court.

5. The applicants had filed appeal for enhancement of compensation. In paragraph 6, this Court has considered the yearly income of the deceased at Rs.2,65,456/- but while passing the order, this Court has not enhanced the compensation amount. Hence, the said judgment can be modified by way of this application. The applicants/claimants are entitled for revised compensation as under:

Particulars	Rs.	Amount
Annual Income	Rs.	2,65,456.00
30% future prospects	Rs.	79636.00
Total	Rs.	3,45,092.00
Rs.3,45,092 x 15(multiplier)	Rs.	51,76,380.00
1/3rd personal deduction	Rs.	17,25,460.00
Total	Rs.	34,50,920.00
Consortium (Rs.48,000/- x 2 claimants)	Rs.	96,000.00
Funeral Expenses	Rs.	18,000.00
Loss of Estate	Rs.	18,000.00
Total Compensation	Rs.	35,82,920.00

The applicants are entitled for revised compensation of Rs.35,82,920/-.

6. In view of above, I pass the following order :

ORDER

(1) The application is allowed.

- (2) The applicants are entitled for revised compensation of Rs.35,82,920@ 7.5% interest per annum from the date of filing claim petition till realisation of the amount. Out of this amount, Rs.1,32,000/- is consortium amount, the claimants are entitled @ 7.5% interest per annum on this amount from 1st November 2017 till realisation of the amount.
- (3) Respondent No.2-Insurance Company shall deposit the revised compensation amount along with accrued interest thereon within eight weeks from the receipt of this order.
- (4) The applicants are permitted to withdraw the revised compensation amount along with accrued interest thereon.
- (5) The applicants shall pay deficit court fees on revised compensation amount, if any, as per Rule.

The judgment dated 26th February 2024 passed in First Appeal No.1299 of 2015 is modified in above terms.

7. The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)