

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

V/s.

Swapnil Jaysing Patil, Minor, Thr. Jaysingh Respondents
Pandurang Patil

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Ms.S.S. Dwivedi, for the Applicant.
Mr.Sangramsingh Yadav, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th AUGUST 2025

P.C:-

. Not on board. Taken on board.

2. By this Application, the Applicant is seeking modification of the order passed by this Court dated 3rd July 2025.

3. The learned counsel for the Applicant submit that, this Court allow the Claim Petition filed by the Claimants on account of the death of the deceased, but while awarding compensation this Court has awarded Rs.25,000/- for diet and

attendance and Rs.5,000/- for mental shocks and suffering, it should not have been awarded. Hence, it be deducted.

4. It is contention of the learned counsel for the Respondents-Claimants that, the deceased was admitted in the hospital for couple of days, special diet and attendance was provided to him, on that basis this Court has granted compensation, which is proper, no interference is required in it.

5. I have heard both learned counsel.

6. Admittedly, the Claim Petition was filed on account of the death of the deceased, this Court has enhanced the amount in case of death, diet and attendance charges cannot be awarded and amount for mental shock and suffering cannot be awarded.

7. In view of above, I pass following order.

ORDER

(i) Rs.30,000/- awarded to the Respondents-Claimants be deducted from compensation amount awarded to the Respondents-Claimants.

(ii) The Appellant-Insurance Company is permitted to withdraw Rs.30,000/- alongwith

interest from the deposited amount.

(iii) The Application for modification is disposed of.

(SHIVKUMAR DIGE, J.)