

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 38615 OF 2025
IN
FIRST APPEAL NO. 691 OF 2018
ALONGWITH
CROSS OBJECTIONS NO. 9650 OF 2019**

Reliance General Insurance Company Limited
Through Its Mumbai Corporate Office ...Applicant/Appellant
Versus

1. Mrs. Akshata Swapnil Gawde
Through Her Husband and Next Friend
Shri Swapnil Balchandra Gawde ...Original Applicant

2. Mrs. Dhanpati Umashankar Maurya ...Respondents

Mr. Rahul Mehta *i/b KMC Legal Venture, for the Applicant/Appellant.*

Mr. Rushabh S. Vidyarthi, *Saumen S. Vidyarthi and Ishita Bhole, for the Respondent No.1 in First Appeal and for cross-objectionists.*

**CORAM DR. NEELA GOKHALE, J.
DATED: 18th DECEMBER 2025**

PC:-

1. This is an application seeking recall of Judgment and Order dated 11th December 2025 whereby the cross-objections of the Respondent No.1/Original Claimant are allowed and in

fact, compensation was enhanced by Rs.10 Lakhs under the head of 'Pain and Suffering and Loss of amenities of life'.

2. Mr. Rahul Mehta, learned counsel appearing for the Applicant/Appellant, submits that compensation amount as re-assessed by the Tribunal, is appropriate and no ground is made out for re-working the figure of compensation. He further submits that the facts of the decision relied upon by Mr. Vidyarthi, learned counsel appearing for the Cross-objectionists/Original Claimant, is not applicable to the facts of the present case. He thus, submits that there is no case made out for the Respondent No.1/Cross-objectionist to claim additional amount of Rs.10 Lakhs under the head of 'Pain and Suffering and Loss of amenities of life'. Hence, he seeks recall of the Judgment and Order dated 11th December 2025.

3. I have gone through the Application and perused the documents on record. I have heard both the parties, i.e., the Applicant/Appellant herein and Cross-objectionist for the Respondent No.1.

4. On remand of the matter, the Tribunal had recorded the evidence of at least three doctors. All the three witnesses have clearly stated that the injured had suffered lifelong injuries, which are extremely painful. The injured/insured is likely to be in the same condition for her entire life. The decision of the Supreme Court, as relied upon by Mr. Vidyarthi is squarely applicable to the facts of the present case. There is no infirmity nor any error on the face of the record of the Judgment and Order of which recall is sought.

5. I find no reason to recall the Judgment and Order dated 11th December 2025. No ground is made out for recall of the Judgment and Order.

6. Interim Application is, accordingly, rejected and disposed of.

(Dr. Neela Gokhale, J)

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signed by
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NILESH
SHIVGAN
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