IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.372 OF 2005

SATISH RAMCHANDRA SANGAR
Digitally signed by SATISH RAMCHANDRA SANGAR
Date: 2026.08.18 11:11:07 +0530

New India Assurance Co. Ltd. ...Appellant

V/s.

Ranjana Popat Kolape and Ors. ...Respondents

==========

WITH
INTERIM APPLICATION NO.13229 OF 2023
WITH
INTERIM APPLICATION (ST) NO.26226 OF 2025
IN
FIRST APPEAL NO.372 OF 2005

Ranjana Popat Kolape and Ors. ...Applicants

In the matter between:-

New India Assurance Co. Ltd. ...Appellant

V/s.

Ranjana Popat Kolape and Ors. ...Respondents

==========

WITH
CROSS OBJECTION (ST) NO.20848 OF 2025
IN
FIRST APPEAL NO.372 OF 2005

New India Assurance Company Limited ...Appellant

V/s.

Ranjana Popat Kolape and Ors. ...Respondents

==========

Mrs.Jyoti Bajpayee a/w Ms.Renuka Yadav:-	Advocates for Appellant Insurance Company.
Mr.D.D.Shinde a/w Mr.Y.G.Thorat:-	Advocates for Respondents in First Appeal and for Applicants in Interim Applications.

==========

CORAM : S. M. MODAK, J.

DATE : 17th AUGUST 2026

P. C. :-

INTERIM APPLICATION NO.13229 OF 2023
AND
INTERIM APPLICATION (ST) NO.26226 OF 2025

1. Heard learned Advocate for the Respondents/Claimants and learned Advocate for Appellant Insurance Company.

2. These are two Interim Applications filed on behalf of the Claimants. One is for seeking permission to amend the Claim Petition so that the amount of compensation should be Rs.10,00,000/- (Rupees Ten Lakh) instead of Rs.5,00,000/- (Rupees Five Lakh). There is a strong objection on behalf of the Insurance Company that amendment in the Claim Petition is not permissible at a belated stage.

3. The second Interim Application is filed for filing Cross-objection in order to claim enhanced compensation. It is on the basis of the observations in case of ***Nagappa V/s. Gurudayal Singh and others***[1]. The Hon'ble Supreme Court has reinforced the power of the Tribunal

1 2003 ACJ 12

not only to award compensation claimed by the claimant but to award just compensation.

4. It is the submission of learned Advocate Shri.Shinde that his client does not want to adduce fresh evidence but on the basis of evidence which was already adduced but not considered by the Tribunal, he is desirous of requesting this Court to decide the claim for enhanced compensation. It is submitted on behalf of the learned Advocate Ms.Bajpayee that even the Tribunal has not considered their evidence on the point of absence of driving license of the driver of the offending vehicle and her contention is the deceased was a passenger in a goods vehicle and is not covered as per the policy and as per the Motor Vehicles Act which was prevailing at that time.

5. The grounds about merits can be considered subsequently. No doubt, it is true that there is a huge delay of filing Cross-objection but it is also a matter of record that the Appeal is heard after more than 20 years. This Court is inclined to allow the Application for condoning the delay and filing Cross-objection. **It is allowed**. Copy of the Cross-objection is served on the other side.

6. In view of that, the Application No.13229 of 2023 for amendment in the Claim Petition does not survive. **It is rejected**.

7. Stand over to **24th August 2026** "**For Final Disposal**".

[S. M. MODAK, J.]