

HARSHADA H. SAWANT  
(P.A.)

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

**INTERIM APPLICATION NO.38331 OF 2025**  
**IN**  
**FIRST APPEAL NO.975 OF 2018**

Sundar Philip Rathod and Ors. .. Applicants  
**Versus**  
M/s. New India Assurance Co.Ltd. .. Respondent  
**IN THE MATTER BETWEEN:**  
M/s. New India Assurance Co.Ltd. .. Appellant  
**Versus**  
Sundar Philip Rathod and Ors. .. Respondents

- .....
- Mr. Pritesh Bohade, Advocate for Applicants.
  - Mr. S. M. Dange, Advocate for Respondent.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 30, 2026**

**P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 30.01.2026. Perused the praecipe.
- 2.** Heard Mr. Bohade, learned Advocate for Applicants and Mr. Dange, learned Advocate for Respondent. .
- 3.** Interim Application has been filed seeking correction to the order dated 11.12.2021 passed by this Court while disposing Interim Application (Stamp) No.24221 of 2021 and allowing the said Application and Respondent Nos.1 to 3 therein to withdraw balance amount of Rs.3,29,787/- alongwith all accrued interest arising out of judgment and Award dated 04.03.2017 passed by MACT Court, Nashik

in MACP proceeding No.1160 of 2012.

**4.** Applicant has placed on record death certificate of Respondent No.3 - Sanjana Sundar Rathod which is appended at page No.10 certifying that she has expired and is now survived by her daughter and husband who are nomenclatured as Respondent Nos.3A and 3B.

**5.** In ordinary terms, First Appeal will take its own course for disposal. Mr. Bohade cannot be made to run from pillar to post seeking this correction in prayer clause of the previous Interim Application which was disposed by this Court sitting in First Appeal on 11.12.2021.

**6.** I have perused the present Application seeking correction of my own order and therefore Interim Application stands allowed in terms of prayer clause (A) which reads this :-

*“A) That this Hon’ble Court be pleased to kindly make corrections in the order dated 11/12/2021 i.e. instead of Respondent no.3 it should be “Respondent no 3A and 3B allowed to withdraw their share”.”*

**7.** I must appreciate the stand taken by Mr. Dange who does not take any objection to the Applicants’ Application.

**8.** The details of bank account in which amount are required by said Respondents shall be furnished to the Registry and the said amount alongwith all accrued interest till date shall be given to

Respondent Nos.1, 2, 3A and 3B as per their wish in accordance with the order dated 11.12.2021. The order dated 11.12.2021 stands amended to that extent.

- 9.** This order be read alongwith order dated 11.12.2021.
- 10.** Department shall not insist on any other technicality and ensure amount is given to Respondent Nos.1, 2, 3A and 3B.
- 11.** With the above directions, Interim Application is allowed and disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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by HARSHADA  
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