



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 33 OF 2026

IN

FIRST APPEAL NO. 1228 OF 2010 (D)

(Smt. Swati Vijay Bogawar & Anr. V/s MSRTC, Yavatmal & Ors.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. B. D. Vora, Advocate for Applicants.
Mr. A. S. Mehadia, Advocate for Respondent
No.1.

CORAM : PRAVIN S. PATIL, J.
DATE : FEBRUARY 23, 2026

. By this Application, the Applicants are seeking review of the Judgment and order dated 4/11/2025 passed by this Court in the First Appeal No. 1228/2010.

2. The learned Counsel for Applicants submits that Motor Accident Claims Tribunal has awarded the interest at the rate of 9% per annum and the same can be reduced by recording certain reasons. However, without recording any reasons, the same has been reduced to 6% per annum. In support of this submission, the Applicants have relied upon the Judgment of the Hon'ble Supreme Court of India in the case of *Bhartiben Nayabha Ker & Ors. V/s Sidabha Pethabha Manke & Ors., II (2018) ACC 634 SC*.

3. It is further pointed out that this Court, while awarding compensation under the head of Loss of Consortium, has

awarded the compensation to five Claimants i.e. Rs.40,000/- each to the five Claimants, however, there are only four Claimants in the Appeal. The Respondent No.1 is driver of the vehicle.

4. The learned Counsel for Respondent No.1 has strongly opposed this application for seeking enhancement of rate of interest. According to him, it is the discretion of this Court to award the interest on the compensation amount. It is also stated that this Court, after considering the entire facts and circumstances of the matter, has awarded the interest on the compensation amount at the rate of 6% per annum, therefore, considering the facts of the present case, rate of interest awarded by this Court is proper. According to him, enhancement of interest would amount to reconsider the entire case which is not permitted in the review jurisdiction. As regards the loss of compensation amount awarded under the head of Loss of Consortium, the learned Counsel has pointed out that this is an apparent error, which can be corrected by this Court.

5. In the light of rival submissions made by the learned Counsel for both sides, in my opinion, considering the above referred Judgment of the Hon'ble Supreme Court of India and the Judgment and order passed by this Court, wherein no reasons are recorded for reducing the rate of interest from 9% to 6%, I am of the opinion that the Applicants are entitled for interest at the rate of 9% per annum. As regards the compensation under the head of Loss of Consortium, the error is apparent on the face of record.

6. In the circumstances, Misc. Civil Application is allowed.

7. The Judgment and order dated 4/11/2025 passed by this Court is modified to the extent that under the head of Loss of Consortium the amount of Consortium should be considered as Rs.1,60,000/- instead of Rs.2,00,000/- and the rate of interest on the amount of compensation should be treated at the rate of 9% per annum instead of 6% per annum.

8. Necessary corrections be carried out in the Judgment and order dated 4/11/2025 passed by this Court and corrected Judgment be uploaded on the website.

[PRAVIN S. PATIL, J.]

vijaya