

IN THE HIGH COURT OF BOMBAY AT GOA**MISC.CIVIL APPLICATION NOS.625 AND 626 OF 2016**

National Insurance Co.Ltd.

Through its Manager,

... Applicant

Versus

Babi Sitaram Harmalkar and Anr.

... Respondents

Mr. U. R. Timble, Advocate for the applicant.

Coram :- C. V. BHADANG, J.**Date :- 25th November, 2016****P.C.**

The applicant Insurance Company was respondent no.2 before the Claims Tribunal. Subhash Salgaonkar was the owner of the vehicle, who was respondent no.1 before the Tribunal. The Claim Petition was filed by respondent no.1 herein Babi Harmalkar. It appears that Subhash Salgaonkar expired on 25/04/2010, during the pendency of the Claim Petition. However, his heirs were not brought on record by the original claimant. The Claim Petition was proceeded ex-parte against Subhash and award was passed on 25/11/2011. The applicant has filed MCA No.694/2015 for condonation of delay in filing the appeal, challenging the judgment and award. When notice addressed to Subhash was returned with a report that he is dead, the applicants have

filed the present applications for bringing the legal representatives of Subhash on record along with condonation of delay of approximately of 6 years in filing the application. It is contended that service report was received on 05/05/2016, when the applicant came to know of the death of Subhash. Thereafter, investigations were made and the present applications are filed on 28/07/2016.

2. In this case, the proposed legal representatives are served. However, none appears. It can be seen from the record that the applicant came to know of the death of Subhash on 05/05/2016 and the present applications are filed on 28/07/2016.

3. Considering the circumstances, the applications are allowed as prayed. Necessary correction/ impleadment of the legal representatives of respondent no.2 shall be carried out within two weeks. It is made clear that this Court shall independently consider the issue of condonation of delay in filing the appeal on the impleadment being carried out.

C. V. BHADANG, J.

SMA