

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.2034/2017gr

909 CIVIL APPLICATION NO. 2034 OF 2017
IN FAST/10712/2016 WITH CA/4584/2016 IN FAST/10712/2016
WITH **CA/4585/2016 IN FAST/10712/2016**

CHANDRAKALA ATMARAM MOHITE AND ORS
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD. THR THE BRANCH
MANAGER AND ORS

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Advocate for Applicants : Mr.Nagargoje Ankush N.
Mr. Mohit R.Deshmukh, Adv., h/f Mr.S.G. Chapalgaonkar, Adv., for
respondent no.1.

Mr. B.r. Jaybhar, Adv., for R/2.
Mr. S.S.Rathi, Adv.,for respondent no.4.

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CORAM : P.R. BORA, J.
Dated: July 11, 2017
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PER COURT :-

1. Respondent no.6 is yet to be served. It is informed that respondent no.6 is the owner of the Car involved in the alleged accident. It is further brought to my notice that the Insurance Company with whom the Car was insured has deposited the amount of their share i.e. 50 per cent of the total compensation and have satisfied the award so far as the liability cast on the owner and insurer of the said car is concerned. In view of the above, it does not appear to me that respondent no.6 will be a necessary party for deciding the appeal filed by the appellant Insurance Company. Service on respondent no.6 is exempted. Service complete.

agp/-

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(2)

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2. Heard learned Counsel on the Civil Application for condonation of delay. Delay of 58 days has been caused in filing the appeal by the appellant Insurance Company. For the reasons stated in the application which, according to me, are just and sufficient, the delay is condoned. Civil Application for condonation of delay stands disposed of. Learned Counsel for the claimant was also fair enough in submitting that the appeal will be heard on merits. As such, the delay is condoned. The Appeal be registered in accordance with law.

3. On registration of the appeal, issue notice to the respondents. Shri Nagargoje, learned Counsel, waives service for respondent nos. 1 to 4 i.e. original claimants. Mr. B.R.Jaybhar, learned Counsel, waives service for respondent no.5. Shri S.S.Rathi, learned Counsel, waives service for respondent no.7.

Place the matter for final disposal at admission stage after two weeks. Call for R & P.

(P.R. BORA, J.)

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