

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

**CIVIL APPLICATION NO.1100 OF 2009
IN
FIRST APPEAL (ST) NO.5061 OF 2009
WITH
CIVIL APPLICATION NO.1101 OF 2009
IN
FIRST APPEAL (ST) NO.5061 OF 2009**

New India Assurance Co. Ltd. ...Applicant/Appellant
Versus
Laxmibai Motiram Gadge & Ors. ...Respondents

**WITH
CIVIL APPLICATION NO.750 OF 2011
IN
FIRST APPEAL (ST) NO.5061 OF 2009**

Laxmibai Motiram Gadge & Ors. ...Applicant/Appellant
Versus
New India Assurance Co. Ltd & Ors. ...Respondents

Mr.Ramesh Cheulkar for the Applicant/Appellant.

Mr.T.J. Mendon for Respondent Nos.1 to 4.

CORAM : M. S. SONAK, J.

DATE : 27 MARCH 2017

P.C.

1. Heard learned counsel for the parties.
2. The Civil Application No.1100 of 2009 in the First

Appeal Stamp No.5061 of 2009 already stands dismissed against respondent No.6, in terms of the conditional order made by this Court on 14 July 2011.

2. The learned counsel for the appellant, fairly accepts that the appeal cannot proceed without the presence of the respondent No.6 against whom the Civil Application seeking condonation of delay already stands dismissed. In such circumstances, the Civil Application seeking condonation of delay and consequently the entire appeal itself, is hereby dismissed.

3. The interim order, if any, is hereby vacated. The Civil Applications pending in the appeal do not survive and the same are also disposed of.

4. The amount of Rs.25,000/- deposited by the appellant in this Court, to be transmitted to the concerned MACT, so that, the same can be paid to the claimants in terms of the impugned judgment and award of the MACT.

(M. S. SONAK, J.)