

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO.3259/2017 IN FIRST APPEAL NO.685/2006

(ANIL PARMANAND DUBEY & OTHERS **VERSUS** THE DIVISIONAL MANAGER, ORIENTAL INSURANCE
COMPANY LTD. & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Joshi, Counsel for the appellants.
Shri A.M. Quazi, Counsel for the respondent No.1.

CORAM : S.B. SHUKRE, J.
DATE : OCTOBER 30, 2017.

Heard learned counsel for the appellants and the learned counsel for the respondent No.1. Nobody is present on behalf of respondent Nos.2 and 3. Reply of respondent No.1 to this application is taken on record. It shows that the respondent No.1 has opposed the application. However, considering the fact that the proposed amendment does not change the nature of the claim made in the petition and that, the amendment is of such a nature that even if it is not incorporated, still in view of the law laid down by the Hon'ble Apex Court in the case of **Nagappa Vs. Gurudayal, (2003)2 S.C.C., 274**, this Court would have to consider whether or not the compensation granted by the claims tribunal is just and proper, I am of the view that this is not the case where the test of due diligence would be directly applicable and as such, this application deserves to be allowed.

The application is allowed. Proposed amendment is permitted to be incorporated within two weeks from the date of this order.

Necessary Court Fees on the amount sought to be additionally claimed shall be paid.

Application shall be disposed of.

JUDGE

SHRIPAD