

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 CIVIL APPLICATION NO.6155 OF 2018
IN FA/808/2011

GANESH SHIVAJI PATIL
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ORS

...

Advocate for Appellant : Mr.M. M. Bhokarikar
Advocate for Respondent Nos 1 & 3 : Mr. Kulkarni K.V.&
Mr.Usmanpurkar Aniruddha S.

...

CORAM : SUNIL K.KOTWAL, J.

DATE : OCTOBER 9, 2018

O R D E R :

Legal heirs of deceased respondent No. 4 Rajaram Pandurang Patil are already taken on record. Out of these legal heirs, Respondent No. 4C Ashabai Rajaram Patil also died during the pendency of the appeal. However, respondent No. 4C daughter of original respondent no. 4 Rajaram Pandurang Patil and other legal heirs of respondent No. 4 who represent the estate of respondent no. 4, are already on record. Therefore, on account of death of respondent No. 4C, the entire appeal will not abate. The appeal can

proceed further against respondent Nos. 4A, 4B, 4D and 4E, respectively.

2. If any abatement order is passed regarding any appellant, then it is set aside.

3. Delay in filing this application for recalling abatement order is condoned.

4. Application is allowed in terms of prayer clause (B to D).

5. Civil application is disposed of.

[SUNIL K.KOTWAL, J.]

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