

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 4755 OF 2019
IN
FIRST APPEAL NO. 543 OF 2011**

Vatsalabai Gorakh Bobade & Ors.

Applicants

V E R S U S

The New India Assurance Co. Ltd.,
through its Divisional Manager &
Anr.

Respondent

Mr. V.V. Tarde, Advocate for the Applicants
Mr. S.G. Chapalgaonkar, Advocate for Respondent No.1
Mr. H.S. Bali, Advocate for Respondent No.2

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CORAM : SUNIL K. KOTWAL, J.

DATE : 4th April, 2019

SPEAKING TO MINUTES

PER COURT :

This motion for speaking to minutes is filed in First Appeal No. 543 of 2011. Learned counsel for the applicants has filed the Death Certificate of respondent No.7 – Asaram S/o Paraji Bobade, who died during pendency of appeal. Learned counsel for the respondent/claimant submits that respondent Nos.7-A to

7-F are the only legal heirs of deceased respondent No.7 and, therefore, the share of deceased respondent No.7 is to be apportioned equally amongst respondent Nos.1 to 6.

2. After going through the Death Certificate of respondent No.7 and after considering the submissions of learned counsel for the respondents-claimants, I do not find any impediment to make modification in the Award passed. Therefore, Award be modified in Motor Accident Claim Petition No. 755 of 2008, passed by the Motor Accident Claims Tribunal, Aurangabad. The share of respondent No.7 is equal amongst respondent Nos.1 to 6/claimants.

In view of above, motion is disposed of and Civil Application No.4755 of 2019 for modification of the Award is disposed of in above terms.

(SUNIL K. KOTWAL, J.)