

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

**68 CIVIL APPLICATION NO.1146 OF 2019
IN FA/1280/2014**

**VIJAYMALA DYANESHWAR WAHUL AND ORS
VERSUS
NATIONAL INSURANCE CO. LTD. THR ITS DIVISIONAL MANAGER
AND ORS**

...
Advocate for Applicants : Mr. S.R. Dheple
Advocate for Respondents No.1 :Mr. S.P. Chapalgaonkar
...

CORAM : P.R. BORA, J.

Date: January 21, 2019
...

PER COURT :-

1 Heard Mr. Dheple, learned counsel for the applicants-appellants and Mr. S.P. Chapalgaonkar, learned counsel for respondent No.1.

2 It is submitted that First appeal No.1280/2014 has been dismissed by this Court vide Judgment passed on 9.4.2018. It is further contended that during pendency of the said appeal, the original claimant namely Shevantabai Wamanarao Wahul expired, however, since that fact was not brought to the notice of learned counsel appearing for the original claimants, her legal heirs could not be brought on record or the said fact could not be brought to the notice of the Court. Learned counsel submitted that the legal heirs of the deceased Shevantabai are already

brought on record and as such, the name of Shevantabai only requires to be deleted and the amount falling to her share can be equally apportioned amongst her other legal heirs.

3 In view of the submission so made, the following order is passed:-

ORDER

(I) Name of Shevantabai Wamanrao Wahul be deleted from the array of original claimants, who are respondents in the First Appeal and the amount deposited in the Court by the Insurance Company falling to share of deceased Shevantabai Wamanrao Wahul be remitted in favour claimant respondent No.1 Vijaymala Wahul.

(II) Application is disposed of.

(P.R. BORA, J.)

vbd