

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.1149 OF 2019
in
FIRST APPEAL (St) NO.18774 of 2017 and
CIVIL APPLICATION NO.2584 OF 2017 AND 2586 OF 2017

The New India Assurance Company Ltd .. Applicant

vs

Darshana Sanjay Lokhande (Minor)

th.Next friend Mother Smt.Subhangi Lokhande..Respondents

Ms.Poonam Mittal for Applicant.

CORAM : K.K.TATED J

DATE : 25TH MARCH, 2019

P.C

Heard learned counsel for the parties.

2. Though legal heirs of Respondent no.4 are duly served, no one appeared when the matter is called out.

3. By this Civil Application, the applicant is seeking permission to bring on record the legal heirs of deceased Respondent no.4 Dattatraya Bharat Sawant who died on 18.11.2017. There is a delay in filing the Civil Applciation.

4. Considering the submissions made by learned counsel

for the applicant, and after perusing the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, the following order :

O R D E R

- (i) Abetment is set aside.
- (ii) The delay in filing the Civil Application is condoned.
- (iii) The applicant is permitted to bring on record the legal heirs of the deceased respondent no.4 in First Appeal (Lodging) No.18774 of 23017 on or before 26.4.2019. failing which the Civil Application shall stand dismissed without reference to the Court.
- (iv) Civil Application stands disposed of accordingly.
- (v) No order as to costs.

{K.K.TATED, J}