

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3123 OF 2017
IN
FIRST APPEAL (ST.) NO.12150 OF 2017**

The New India Assurance Co. Ltd.

.... Applicant

Versus

Smt. Kamal Hanumant Gadadre
and Ors.

..Respondents

Mr. Milind V. More for the Applicant

Mr. Sarvadnya K. I/b V.R. Gaikwad for the Respondent No.1.

CORAM : K. K. TATED, J.

DATE : 11th JULY, 2019

P.C.

Heard learned Counsels for the parties.

2. Adv. Mr. More for the applicant submit that respondent No.2 Vikram Hanumant Gadadare is died. He submits that his legal heirs have already on record.

3. Learned counsel for the respondent submit that the respondent No.1 Kamal Hanumant Gadadare is only legal heir of deceased respondent No.2.

4. Statement made by Advocate of respondent No.2 is accepted to that effect.

5. By this Civil Application applicant is seeking condonation of delay of 81 days in filing first appeal challenging judgment and award dated 1st October, 2016 passed by Motor Accident Claims Tribunal in MACP. No.38 of 2013.

6. Considering the submissions made by the learned counsel for the applicant and averments made in Civil Application, I satisfied that the applicant has made out a case for allowing the Civil Application. Hence the following order -

- 1) The applicant is permitted to carry out amendment in Civil Application as well as pending first appeal by deleting the name of respondent No.2 Vikram Hanumant Gadadre and showing the respondent No.1 Kamal Hanumant Gadadre as legal heir of respondent No.2.
- 2) Amendment to be carried out during Court hours.
- 3) Delay in filing the first appeal is condoned.
- 4) Civil Application stand disposed of accordingly.
- 5) No order as to costs.

[K. K. TATED, J.]

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