

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (O) NO. 2108 OF 2019
IN CROSS OBJECTION ST. NO. 23044 OF 2019
IN FIRST APPEAL NO. 8 OF 2012

(United India Insurance Company Ltd. Vs. Smt. Lata wd/o Yuvraj Thakre & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri B. Lahiri, Advocate for the appellant.
Shri U.J. Deshpande, Advocate for the applicants/
cross objectors.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 10, 2021.

Heard.

2] Shri Deshpande, learned counsel for the cross objectors, informs about the death of respondent No.4 Smt. Tulsabai Balkrishna Thakare and that her name has already been deleted from the array of respondents in First Appeal No. 8/2012 vide order dated 02/05/2012 passed by the Registrar (Judicial).

3] In the given facts, learned counsel for the cross objectors, is permitted to delete the name of respondent No.4 from the array of respondents in this application. Necessary amendment/s be carried out forthwith.

4] This is an application seeking condonation of delay of 2844 days caused in filing the cross objection.

5] It is stated that the cross objectors are entitled for just compensation, and as per settled position of law, even without filing cross objection, the Court is empowered to grant enhanced compensation to the claimants. Shri Deshpande, learned counsel, placed reliance on the following authorities :

i. **Bajaj Allianz General Insurance Company Limited Vs. Kameshwari Rajendra Sabnis and Others, 2020 DGLS (Bom.) 208.**

ii. **New India Assurance Company Vs. Himmatrao and others, First Appeal No.410/2001 and Cross objection Stamp No.684/2002 d/on 22/01/2015.**

6] Shri Lahiri, learned counsel for the appellant, strongly objected the said application through reply dated 05/08/2021. Further, he seeks leave to not press the Pursis dated 14/11/2019 vide which he intends to withdraw the Appeal.

7] Given the aforesaid submission, so also considering the reasons mentioned in the application,

the same is allowed. Delay of 2844 days caused in filing the cross objection stands condoned. Cross objection be registered.

CROSS OBJECTION NO...../2021.

8] Issue notice to the respondents, returnable after two weeks.

9] The learned counsel for the appellant is permitted to serve respondent Nos.1 and 2 in cross objection through their counsel, who was appearing in the First Appeal.

PURSIS ST. NO. 15014/2019.

10] In view of the aforesaid statement made by Shri Lahiri, learned counsel for the appellant, the instant Pursis stands withdrawn as not pressed.

JUDGE

Sumit