

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

**942 CIVIL APPLICATION NO. 6134 OF 2018
IN FA/809/2011**

**ARUN LAXMAN MOHANE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ORS**

...
Advocate for Appellant : Mr.M M Bhokarikar
Advocate for Respondent No.1 : Mr.S.S.Dargad h/f Mr. S.G.
Chapalgaonkar
...

CORAM : VINAY JOSHI, J.

DATE : 17th FEBRUARY, 2022.

PER COURT :

1. This application is taken out for setting aside the abatement against respondent No. 4-C. Since the other legal heirs are already on record.

2. Respondent No. 4 was the owner of the one of the vehicle involved in the accident. His legal representatives were brought on record, however, one of them has been died. Perusal of the impugned judgment also reveals that no liability was fastened on respondent No. 4-C- Rajaram Pandurang Patil, therefore, no difference would arise. Having regard to the said fact, application stands allowed. Appeal to proceed by deleting respondent No. 4-C.

3. Applicant/appellant to carry out necessary amendment forthwith.

(VINAY JOSHI, J.)

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