

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.175 OF 2022
IN
FIRST APPEAL NO.86 OF 2022

Wamanrao s/o Dewaji Kawale,
..vs..
The Oriental Insurance Company Ltd, and others.

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

Court's or Judge's orders

Shri A.A. Dhawas, Advocate for appellant/applicant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 19/01/2022

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By this application the appellant has sought to delete the name of respondent nos.6-a and 6-b from the array of the respondent. Respondent nos 6-a and 6-b are the legal representatives of Prabhakar s/o Ganpat Gatale, who was shown in the impugned judgment as claimant no.3 The impugned judgment indicates that the claimant no.3 Prabhakar had died even before the disposal of the claim petition and Respondent nos.6-a and 6-b, who are stated to be his legal representatives were not brought on record. Hence the application is allowed.

3. The names of respondent nos.6-a and 6-b are

ordered to be deleted from the array of respondents.
Cause title be amended accordingly.

4. The application stands disposed of.

CIVIL APPLICATION (CAF) NO.183 OF 2022

Learned Counsel for the appellant states that in the earlier round of litigation, bearing First Appeal No.72 of 2016, the appellant had deposited sum of Rs.3,00,000/- out of total compensation of Rs.6,34,000/-. The First Appeal was disposed of with order of remand and directions to the Tribunal to decide on the issue of breach of terms and conditions of the policy. The present appeal has been filed challenging the order on the remand. Leaned Counsel for the appellant states that the balance amount of Rs.3,34,000/- will be deposited within four weeks. In the light of the statement, execution and implementation of the impugned judgment is stayed till the next date of hearing.

2. Issue notice to the respondents, returnable after four weeks.

JUDGE

R.S. Sahare