

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

CIVIL APPLICATION (CAF) NO. 1916 OF 2022
AND
CIVIL APPLICATION (CAF) NO. 1917 OF 2022
IN
FIRST APPEAL NO. 86 OF 2022

Wamanrao S/o. Dewaji Kawale

...**VERSUS**...

The Oriental Insurance Co. Ltd., Chandrapur and ors.

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

Court's or Judge's order

Shri Anil A. Dhawas, Advocate for appellant.

CORAM : **SMT. M. S. JAWALKAR,J.**

DATE : **07th September, 2022.**

The Civil application (CAF) No. 1916/2022 is filed by the appellant for condonation of delay in filing application for setting aside abatement and for bringing legal heirs of the appellant on record.

2. The Civil Application (CAF) No. 1917/2022 is filed for bringing legal heirs of the appellant on record.

3. The sole appellant died on 08/2/2022. However, due to pandemic, it was not informed to the counsel and could not file application for bringing legal heirs of the appellant on record. As such, there is delay of 58 days in filing application for setting aside abatement and for bringing legal heirs of the appellant on record.

4. For the reasons stated in the application, the delay is hereby condoned and abatement is set aside as a right to sue survive. The appellant is permitted to bring the names of legal heirs of the appellant on record. Necessary amendment to be carried out within a week. Accordingly, both the applications are disposed of.

CIVIL APPLICATION (CAF) NO. 1915 OF 2022

After amendment is carried out, the legal heirs of the appellant is permitted to deposit the balance amount as per order dated 19/01/2022 passed by this Court.

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Issue notice to the respondents, returnable within three weeks.

CIVIL APPLICATION (CAF) NO. 183 OF 2022

Interim order granted earlier by this Court vide order dated 19/01/2022 to continue till returnable date.

(Smt. M.S. Jawalkar, J.)