

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

919 CIVIL APPLICATION NO.2768 OF 2023
IN FA/3682/2017 WITH CA/11672/2022 IN FAST/27570/2017
WITH CA/1387/2018 IN FAST/27570/2017

BHARTI AXA GENERAL INSURANCE CO. LTD, THR ITS MANAGER,
PUNE
VERSUS
SHAIKH SALEEM ABBAS DIED THR LRS SHAIKH AFSANA SALIM
AND ORS

...

Advocate for Applicant : Mr. R. H. Dahat (In CA No.2768/2023)
Advocate for Applicant : Mr. P. C. Mayure (In CA No. 11672/2022 &
CA No.1387/2018)
Advocate for Respondent : Mr. R. H. Dahat (In CA No.1387/2018)

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 02/03/2023.**

P. C. :

**A) ORDER IN CIVIL APPLICATION NOS.2768 OF 2023 & 11672
OF 2022 :**

1. It appears that there are cross appeals; one is by insurance company and another is by claimant. However, both the learned counsel submit that the parties have arrived at amicable settlement, but due to death of claimant, his legal heirs are to be brought on record. Both the parties have filed applications to that effect in their respective proceedings.

2. In view of the same, both the civil applications are hereby allowed. The necessary amendment be carried out forthwith. After carrying out the amendment, the appeals be referred to learned Mediator Mrs. Sabhahat Kazi.

3. The parties shall appear before the said mediator on 08/03/2023.

4. Stand over to 16/03/2023.

B) ORDER IN CIVIL APPLICATION NO.1387 OF 2018 :

1. Heard rival submissions.

2. The applicant is seeking condonation of delay of 113 days, which appears to be caused due to his poor financial condition. The learned counsel for the insurance company though opposed the application, however, considering the statutory right of the applicant and for the reasons stated in the application, the application is allowed and the delay of 113 days in this application stands condoned subject to condition that the applicant shall not claim any interest for the period of aforesaid delay.

4. The appeal be placed for admission after removal of office objections, if any.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)