



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 1089 OF 2000

United India Insurance Co. Ltd. Appellant
v/s.
Anand Kundlik Kumbhar and ors. Respondents

Ms. Akshay Kondarkar i/b. Rajesh Datar for the Appellant.
Ms. Poonam Mittal on the panel of United India Insurance Co.
Ms. Ashwini B. Jadhav i/b. Anita Agarwal for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 31st AUGUST, 2023.

P. C. :-

. Order dated 03/09/2019 reveals that the statement was made by the advocate who was representing the Respondent No.1 that the Respondent who was the sole claimant, has expired and that he had brought the said fact to the notice of the Appellant – Insurance Company vide letter dated 26/02/2013. The Appellant – Insurance Company had not taken any steps to bring on record the legal representatives of the deceased Respondent No.1 and hence, the proceedings as against Respondent No.1 stood abated.

2. Order dated 03/04/2023 records the statement of the learned advocate for the Appellant that the Appellant – Insurance Company has

not given instructions in the matter even though the Insurance Company was informed about the death of the Respondent No.1. Mr. Akshay Kondarkar, learned counsel for the Appellant states that he has not received any instructions till date. He has placed on record copy of the letter/intimation dated 07/06/2023 and 30/09/2019. He seeks discharge. Granted.

3. Since the Respondent No.1-sole claimant has expired and the proceedings have abated as against Respondent No.1, nothing survives in this Appeal. Hence, the Appeal stands disposed of as abated.

(SMT. ANUJA PRABHUDESSAI, J.)