

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13813 OF 2023
IN
FIRST APPEAL (ST) NO.99586 OF 2020
WITH
INTERIM APPLICATION NO.53 OF 2021
WITH
INTERIM APPLICATION NO.54 OF 2021

Hdfc Ergo General Insurance Co. Ltd ...Applicant
V/s.
Malti Dayananddeo Shinde
(Deceased) Thr. Lrs.Smt.
Sharada Shivaji Sonawane And Ors ...Respondents

Mr. Gourav Shahane i/b. Mr. Abhijit Kulkarni for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATED : 21st SEPTEMBER, 2023

P.C.:

INTERIM APPLICATION NO.53 OF 2021

1. The Interim Application is filed seeking stay to the effect, operation, implementation and execution of the impugned judgment and award dated 18 February 2020 passed by the concerned MACT.

2. Issue Notice to Respondent No.3, returnable after six weeks. Hamdast permitted. Private Notice permitted, by all

permissible modes of service. Affidavit of Service to be filed thereafter.

3. Mr. Mendon seeks some time to file his appearance on behalf of the proposed legal heirs of Respondent No.1.

3. Mr. Mendon, waives service of notice on behalf of the legal heirs of deceased Respondent No.1. It is stated that the Respondent No.2 has also died. Since, the Respondent No.2 and Respondent No.1 are husband and wife, having same legal heirs, separate notice need not be issued to the legal heirs of Respondent No.1 and 2.

2. Stand over to 2nd November, 2023.

INTERIM APPLICATION NO.13813 OF 2023

1. This Application is filed to bring the legal heirs on record of deceased Respondent No.1. There is some delay in filing this Application.

2. Mr. Mendon, the learned counsel is appearing for the proposed legal heirs of deceased Respondent No.1. He has no objection if this Application is allowed.

3. I have heard both sides and I have gone through the contents of the application. I am satisfied that the Applicant has made out a case to condone the delay. Hence, Application is allowed in terms of prayer clause (a) and (b).

4. The learned counsel for the Applicant is directed to carry out amendment in First Appeal and all pending Interim Applications within a period of two weeks from today.

5. The Interim Application is stands disposed of.

FIRST APPEAL (ST) NO.99586 OF 2020

1. Since Respondent No.1 and 2 were husband and wife and both have died and the Interim Application No.13813 of 2023 has been filed for bringing on record of the legal heirs of the Respondent No.1 and the said Application is hereby allowed. Therefore, there is no need for the learned counsel for the Applicant to file separate Application to bring on record the legal heirs of deceased Respondent No.2. The proposed legal heirs of Respondent No.1 should also be shown as legal heirs of deceased Respondent No.2.

2. The First Appeal to come up for final hearing on 2nd November, 2023.

(RAJESH S. PATIL, J.)