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910 CA-10023-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 10023 OF 2024
IN FA/1834/2021

Dakshaben Girishkumar Gadhvi And Ors

VERSUS

Tejas Ashok Shirsath And Anr

...

Mr. Umakant U.Wagh, Advocate for Applicant.

Mr. Swapnil Patil h/f Mr. Rohit Dahat for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 6th DECEMBER 2024

PC :-

1. Heard the learned Advocate for the parties.
2. This application is for modification of the order passed by this Court dated 23rd July 2024 in First Appeal No. 1834 of 2021.
3. It is stated that the appeal was filed by four appellants. The appellant No.3 Karanidhan Gadhvi died before the pending trial. The appellant No.4 Dhirajben also died pending the appeal. However, that fact was not known when the appeal was moved. This Court in the order dated 23rd July 2024 allotted the shares as 40% each of the

appellant No.1 and 2 and 20% to deceased - appellant No.4. This application is therefore moved for modification to the extent of compensation of 20% allotted to appellant No.4. Appellant No.2 happens to be grant son of Dhirajben. Appellant No.1 Dakshaben Gadhvi happens to be the daughter-in-law of Dhirajben.

4. Considering that the appellant No.2 is grant son of Dhirajben, the second sentence of paragraph No.8 of order dated 23rd July 2024 be modified as below.

“The modified apportionment would be appellant No.1 – 40%, appellant No.2 – 60%.”

5. In the said order, in paragraph 2 be substituted as below:-

“This appeal is filed by the original petitioner Nos.1, 2 and 4 in MACT No.588 of 2011 decided by the learned Member, Motor Accident Claims Tribuna, Ahmednagar, by order dated 2nd February 2018. During the trial, appellant-claimant No.3 Karanidhan Gadhvi son of Dhirajben Gadhvi died. It is reported that appellant Dhirajben also died during pending this appeal.”

6. At the outset, the learned Advocate for the applicant seeks leave to correct the names of the parties in the title clause and number of the proceedings.

7. Leave granted.

8. Amendment be carried out forthwith.

[KISHORE C. SANT, J.]

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