



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 CIVIL APPLICATION NO. 12196 OF 2023
IN FA/2923/2008

NANDUBAI SHANKAR GAWIT AND ORS
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD AND ORS

...
Advocate for Applicants : Mr. Kulkarni Mukul S. & Mr. Umesh Mitkari
Advocate for Respondent No.1 : Mr. Usmanpurkar Aniruddha S.

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 16th JANUARY, 2024

PER COURT:

1. Heard.
2. The learned counsel for the applicants points out order dated 21.04.2017, more particularly, para 1, as under:-

“1. The learned counsel for the Respondent / Claimants submits that the Respondent No.7 died during the pendency of the appeal, his legal heirs are already on record.”

3. The learned counsel for the applicants submits that the final order is passed dated 28.09.2022, in the operative part of the order, it is mentioned that Respondent Nos.1 to 7 are entitled for the compensation. The learned counsel submits that the said order be corrected as Respondent Nos.1 to 6, as respondent no.7 has already expired and

Respondent Nos. 1 to 6 are the legal heirs, in terms of the order dated 21.04.2017. As mentioned in the order dated 21.04.2017, the order dated 28.09.2022, in First Appeal No.2923 of 2008 be corrected accordingly.

4. In Paragraph Nos. ii, iii and iv, of the operative order dated 28.09.2022, Respondent Nos.1 to 7 be replaced as Respondent Nos.1 to 6.

5. At the request of the learned counsel appearing for Respondent Nos.1 to 6, Respondent Nos.1 to 6 are permitted to equally withdraw the amount of Respondent No.7, being the legal heirs of Respondent No.7.

6. The Civil Application stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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