

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

**CIVIL APPLICATION NO. 2600 OF 2024  
IN FAST/37963/2019**

**NATIONAL INSURANCE CO. LTD., THR ITS AUTHORIZED  
OFFICIAL AND DIV. MANAGER, AURANGABAD**

**.....Applicant**

**VERSUS**

**SUNANDABAI KAILAS PATIL (THAKRE) AND ORS**

**.....Respondents**

Mr. A. S. Usmanpurkar, Advocate for Applicant

Mr. Amol S.Sawant, Advocate for the Respondents.

**CORAM : Y. G. KHOBRADE, J.**

**Dated : 11th March, 2024**

**ORDER:**

1. Heard both sides at length. The appellant Insurance Company has filed the present application for condonation of delay of 513 days caused in bringing the legal heirs of deceased Respondent no.5 on record and seeking permission to bring the legal heirs on record. The learned Advocate appearing for the non applicant raises no objection.

2. The delay of 513 days is caused because of the appellant Insurance Company was not knowing the names and addresses of the legal heirs of deceased Respondent No.5, which appears to be justifiable and bonafide. Hence the said delay deserves to be condoned.

3. The Appellant Insurance Company described the legal heirs of

deceased respondent No.5 as under:

- 5A) Sau. Bhikubai Rajdhar Patil (Thakre)  
Age: 62 years, Occu: Nil
- 5B) Smt. Sundarbai Kailas Patil (Thakre)  
Age: 42 years, Occu: Household
- 5C) Kum. Kavita Kailas Patil (Thakre)  
Age :18 years, Occu: Education
- 5D) Kum. Manisha Kailas Patil (Thakre)  
Age: 18 years, Occu: Education
- 5E) Kumar Manoj Kailas Patil (Thakre)  
Age: 14 years, Occu: Education
- 5F) Manorama w/o Sahebrao Marathe  
Age: major, Occu: Nil
- 5G) Ramdas Rajdhar Patil  
Age: major, Occu: Nil
- 5H) Shivaji Rajdhar Patil  
Age : Major, Occu: Nil

4. It appears that legal heirs of deceased Respondent No.5 at Sr. Nos. 5A to 5E are already on record and, therefore, there is no need to bring them again on record. However, the legal heirs at Sr. Nos. 5F to 5H, are undisputedly the legal heirs of deceased Respondent No.5 and as such the cause of action survives.

5. In view of the above, I am inclined to grant the present application. Hence following order:

**O R D E R**

1. The application is allowed. Delay of 513 days caused in bringing the legal heirs of deceased Respondent No.5 is hereby condoned.
2. The applicant-Insurance Company is hereby permitted to bring the legal heirs at Sr. No. 5F to 5H of deceased Respondent No.5 on record.
3. Necessary Amendment be carried out on or before 22.03.2024.

**( Y. G. KHOBRADE, J. )**

JPChavan