

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 369 OF 2004**

New India Assurance Company Limited	...	Appellant
versus		
Minakshi W/o Sanjay Mali and ors.		Respondents

None for the Appellant.

Mr. Yuvraj Patil i/b. Mr. Vikas Mali, Advocate for Respondent Nos.2 to 4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th MAY, 2024.

P.C. :

1. By this praecipe for speaking to the minutes, learned counsel for respondent Nos. 2 to 4 submitted that this Court has dismissed the appeal filed by the appellant-Insurance Company. Learned counsel further submitted that this Court had permitted the appellant to carry out the amendment in respect of legal heirs of respondent No.2 by order dated 14th February 2006. Learned counsel for the appellant has carried the amendment in the civil application filed for withdrawal of the amount. This Court has disposed of the appeal on 5th March 2024.

2. Learned counsel further submitted that he has informed learned counsel for the appellant about the praecipe. None present for the learned counsel for the appellant. The name of the appellant was

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flashed on display board but none present for the appellant. It appears that the learned counsel for the appellant has not appeared since several dates in other matters in spite of displaying her name on display board. As the appeal is disposed of, it is necessary to carry the amendment in the appeal memo. As learned counsel for the appellant has already carried amendment in application, learned counsel for the respondent Nos.2 to 4 is permitted to carry amendment in appeal memo.

3. Learned counsel for the respondent Nos.2 to 4 submitted that during the pendency of the appeal, respondent No.3 is died and respondent No.4 is the only legal heir of respondent No.3. Considering his submission, the appeal against respondent No.3 is abated.

4. Necessary amendment be carried out forthwith.

5. Necessary corrections in the cause-title be carried out in original judgment dated 5th March 2024.

(SHIVKUMAR DIGE, J.)