



336-2024

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 336 OF 2024
IN FIRST APPEAL NO. 1643 OF 2008

(Smt. Ranjana wd/o Santosh Karale & Ors. Vs. Maroti Nagorao Aware & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Pushkar Deshpande, Counsel for the applicants/
appellants.

Shri B.P. Bhatt, Counsel for respondent no.3.

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CORAM : ANIL L. PANSARE, J.
APRIL 2, 2024.

Heard.

2] The applicants/appellants intend to amend the appeal memo and, thus, to add a ground that the Tribunal erred in holding that the deceased was negligent and further erred in reducing the claim by 50% on account of negligence of the deceased.

3] The learned Counsel for the applicants submits that the proposed amendment is necessary for proper adjudication of the case. He further submits that the aforesaid ground was not added inadvertently.

4] The learned Counsel for respondent no.3 has opposed the application on the ground that the amendment ought to have been carried out earlier.

5] To my mind, this being First Appeal and the entire award having been challenged, it will be appropriate to permit the applicants to amend the appeal

memo, which even otherwise will not cause any prejudice to the respondents.

6] The application is accordingly allowed. Necessary amendment be carried out within seven working days from today. Amended copy be served on the learned Counsel for respondent no.3.

7] The Civil Application is disposed of.

FIRST APPEAL NO. 1643/2008

8] List for final hearing on 17/4/2024.

(ANIL L. PANSARE, J.)

Sumit