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915 CA 7805 OF 2024

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

**915 CIVIL APPLICATION NO. 7805 OF 2024
IN X-APLST/23244/2017**

CHI HRUSHIKESH DNYANESHWAR PATIL THR FATHER DNYANESHWAR
MADHUKAR PATIL

VERSUS

THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED OFFICIAL
AURANGABAD AND ANR

...

Ms. Kirti Deshpande h/f. Mr. M. M. Bhokarikar, Advocate for Applicant
Mr. A. S. Usmanpurkar, Advocate for Respondent No.1

WITH

**CIVIL APPLICATION NO. 10439 OF 2017
IN X-APLST/23244/2017**

CHI HRUSHIKESH DNYANESHWAR PATIL THR FATHER DNYANESHWAR
MADHUKAR PATIL

VERSUS

THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED OFFICIAL
AURANGABAD AND ANR

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 10.10.2025

PER COURT :-

1. Ms. Kirti Deshpande, holding for Mr. Bhokarikar, learned counsel for the applicant, submits that during the pendency of the proceedings, the owner, namely Sunilkumar Thakursingh Yadav, expired on 28.05.2020. Hence, the present application has been filed by his legal representatives. She further

submits that respondent nos. 2(a) to 2(c) are the legal heirs of the deceased Sunilkumar Yadav.

2. In view of the above, she submits that it is necessary to implead respondent nos. 2(a) to 2(c) in the appeal as well as in the cross-appeal and the applications pending therein. She also submits that there is a delay of 696 days in filing the present application, which may be condoned in light of the time consumed in gathering details regarding the legal heirs of the deceased. It is submitted that the delay is neither deliberate nor due to any negligence on the part of the applicant.

3. Mr. Usmanpurkar, learned counsel for the Insurance Company, submits that he has no objection to allow the application.

4. In view of the above submissions, the Civil Application is allowed.

5. The delay caused in filing the present application, as also in seeking quashment of the abatement order, is condoned.

6. Abatement, if any, stands quashed.

7. The applicant is permitted to amend the title clause of the cross-appeal as well as the applications filed therein, if any, by incorporating the names of respondent nos. 2(a) to 2(c) as legal representatives of deceased Sunilkumar Yadav.

8. The appellant/Insurance Company shall also amend the title clause of the First Appeal as well as any Civil Applications, if any, by incorporating the names of respondent nos. 2(a) to 2(c) as legal representatives of deceased Sunilkumar Yadav.

9. Amendments shall be carried out within a period of four weeks from today.

10. Upon such amendment, issue notice to the newly added respondents, returnable on 21.11.2025.

11. The matter be listed after service of notice is complete. In the meantime, applicant/appellant shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

[AJIT B. KADETHANKAR, J.]