



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

**CIVIL APPLICATION NO. 10664 OF 2025
IN FA/4252/2016**

Dilip Karbhari Gadhave Died Thr Lrs. Prashant Dilip Gadhave
VERSUS
Shaikh Gani Hasan

...

Mr. S. K. Shinde, Advocate for Applicant
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for Respondent

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CORAM : AJIT B. KADETHANKAR.

DATED : 29TH SEPTEMBER, 2025

ORDER :-

. The First Appeal No.4252 of 2016 was filed by one Dilip Gadhave against the judgment and award dated 17.03.2016, passed by the learned Member of Motor Accident Claims Tribunal, Shrirampur in M.A.C.P. No.293 of 2007.

2. Mr. S. K. Shinde, learned Advocate appearing for the applicant would submit that during the pendency of this appeal, the appellant namely Dilip Karbhari Gadhave is expired on 25.12.2021. Mr. Shinde, learned Advocate would submit that the right to sue and continue the appeal devolved in the present applicant namely Prashant Dilip Gadhave being legal representative of the deceased appellant. Mr. S. K. Shinde, learned Advocate would therefore request to condone the delay of 936 days caused in improving/amending the title

clause thereby bringing legal representative i.e. present applicant on record in place of deceased appellant Dilip Gadhave. Mr. Shinde would further submit that the delay is not deliberate nor by any negligence but is bonafide as the applicant was unaware of the legal proceedings pending in this Court.

3. Mr. Shaikh Mazhar A. Jahagirdar, learned Advocate for the respondent places his no objection to condone the delay and to allow the amendment in the title clause of the First Appeal and applications therein.

4. In view of this, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Delay of 936 days caused in filing present Civil Application is hereby condoned.
- c. Appellant to amend the title clause of the First Appeal and applications therein forthwith by incorporating the name of applicant Prashant Dilip Gadhave as legal representative of deceased Dilip Karbhari Gadhave.
- d. Civil Application stands disposed of.

FIRST APPEAL NO.4252 OF 2016

. Mr. S. K. Shinde, learned Advocate representing the appellant submits that the claim is settled between the parties and in view of that, the appellant does not want to proceed with the appeal. Hence, he seeks permission to withdraw the appeal.

2. Mr. Shaikh Mazhar A. Jahagirdar, learned Advocate representing the respondent does not have any objection to this prayer.

3. In view of above, appellant is permitted to withdraw the First Appeal at his risk. The First Appeal stands disposed of as withdrawn.

4. Needless to mention, the appellant would be entitled for refund of Court fees as is permissible in law.

(AJIT B. KADETHANKAR, J.)