



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

**40 CIVIL APPLICATION NO. 2171 OF 2024
IN FAST/3248/2019**

WITH

**CIVIL APPLICATION NO. 2333 OF 2019
IN FAST/3248/2019**

SUSHIL SUBHASH DAWAKAR AND ANR

....Applicants

VERSUS

**THE ORIENTAL INSURANCE CO. LTD., THR BRANCH
MANAGER AURANGABAD AND ANR**

.....Respondents

.....

**Advocate for Applicants : Adv. Sayali S. Tekale h/f
Mr. Prasanna D.Dadpe**

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 03 FEBRUARY , 2025**

ORDER

IN CIVIL APPLICATION NO. 2171 of 2024 (L.Rs.)

1. Heard learned counsel for the applicants. The learned counsel for respondent/Insurance Company despite appearance remained absent.

2. The applicants are seeking permission to bring legal representatives of appellant No.3 Gayabai, who admittedly died on 24.01.2020 by condoning the delay of 250 days. However, it appears that her legal heirs are already on record in the form of appellant Nos. 1 and 2 and therefore, there is no question of condoning the delay. As such the application stands allowed in

terms of prayer clause-B.

3. The appellant No.3 be shown as '*since deceased*'.

4. Necessary correction be carried out forthwith.

5. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 2333 of 2019 (Delay)

1, Heard learned counsel for the applicants/claimants. The application is filed for condonation of delay of 213 days in filing the First Appeal for enhancement.

2. The learned counsel for respondent No.1/Insurance Company despite appearance remained absent.

3. There is no oppose to the application and hence stands allowed in terms of prayer clause (B) subject to cost of Rs. 500/- (Rupees Five Hundred only) to be paid to the Registry of this Court for utilization of High Court Dispensary.

4. The applicants/claimants shall not claim any interest for the aforesaid period of delay on the enhanced compensation, if granted.

5. The appeal be registered after deposit of cost and removal of office objections, if any.
6. List the matter on 17.02.2025.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni