

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

**Civil Application No.2696 of 2014
In
First Appeal No.41 of 1994**

Rauf Khan s/o Usman Khan Pathan
And Another.

.. Applicants.

Versus

Namdeo s/o Maroti Bhusal
And Others.

.. Respondents.

Smt. A.N. Ansari, Advocate, for applicants.

Shri. P.R. Katneshwakar, Advocate, for respondent Nos.1
and 2.

CORAM: T.V. NALAWADE, J.

DATE : 8th DECEMBER 2015

ORDER:

1) The application is filed for setting aside the order of dismissal of appeal for non prosecution made by this Court and for restoration of the first appeal. The first appeal is filed by the owner against the judgment and award of the Tribunal by which the Tribunal has exonerated the Insurance Company and liability is

fastened on the owner. Only claimants have turned up. Though insurance company is represented by one counsel, today nobody has turned up for the insurance company.

2) In view of the contentions made in the application and the submissions made, the application is allowed. The order of dismissal of appeal is set aside. First appeal is restored to its original number. As some respondents have not turned up, notice in the first appeal against the said respondents made returnable on 12th January 2016. Learned counsel appearing for original claimants waives notice. Notice is to be sent to other respondents.

Sd/-
(T.V. NALAWADE, J.)

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