

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15386 OF 2015
IN FA/3478/2011

NEW INDIA ASSURANCE CO LTD THROUGH DIVNL LMANAGER AURANGABD
VERSUS
BALASAHEB SHANKAR GAWANDE AND ANR

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders CORAM : A.M. BADAR, J. DATED : 30.11.2015
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Mr.M.M.Ambhore, Advocate for applicant.
Mr.D.R.Jaybhar, Advocate for R-1.

1. This is an application for condonation of delay in filing application for restoration as well as restoration of appeal, which was dismissed as against respondent No.2.

2. Heard learned Counsel for applicant. Respondent No.2 is owner of vehicle. He could not be served within prescribed time and as such appeal as against respondent No.2 was dismissed in default.

3. Considering the fact that presence of respondent No.2 being owner of motor-vehicle is essential for final adjudication of the matter, application is allowed. Delay in filing application for restoration is condoned. Application for restoration of appeal as against respondent No.2 is allowed. Applicant/original appellant to take necessary steps for serving respondent No.2 within a period of two weeks from today, failing which appeal shall be dismissed as against respondent No.2 in default without reference to the Court.

[A.M. BADAR, J.]