

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 2347 OF 2015
IN
FIRST APPEAL NO. 666 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. D. S. Joshi for the applicant.

Mr. Rupesh Bobde for the respondents.

CORAM : K. K. TATED, J.

DATED : 16/07/2015.

P.C.:

. Not on board. At the request of Advocate for the applicant/Insurance Company, matter is taken on board for urgent orders.

2 This application is for restoration of First Appeal no. 666 of 2013 which was dismissed for default by order dated 05.03.2015.

3 The learned counsel for the applicant submits that it is not necessary to serve the respondent no.2. He submits that even no one appeared on behalf of Respondent no.2 before the Tribunal.

4 The learned counsel for the respondent no.1 claimant vehemently opposed the present Civil

Application. He submits that applicant has not shown any reason to recall the order dated 05.03.2015.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6 Hence, the following order:

a) Order dated 05.03.2015 passed by this Court is recalled.

b) First Appeal no. 666 of 2013 is restored on file for hearing on its own merits.

c) If any ad-interim granted in the present First Appeal to continue.

d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)