

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

924 CIVIL APPLICATION NO. 320 OF 2016

IN RC/612/2013

LATA DNYANESHWAR PHAD AND ORS

VERSUS

ERIM A LUTHARA AND ANR

Shri. B.R. Waramaa, Advocate, for the applicants.

Shri. M.K. Goyanka, Advocate, for the respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 13th JANUARY 2016

ORDER:

1) The application is filed for setting aside the order of dismissal made by this Court on 15-3-2013 by condoning delay caused in filing application for setting aside the said order. It appears that notice could not be served on the owner and so conditional order was made. As the owner of the vehicle could not be served the matter as against the owner was dismissed and the entire appeal was dismissed.

2) In view of the submissions made and the contents of the application made this Court holds that sufficient cause is shown. The order of dismissal of the appeal is set aside and the entire proceeding is restored to its original number.

3) In appeal notice to respondent No.1 is to be served by publishing it in daily news paper. Necessary charges are to be deposited by 29th January 2016. If charges are deposited notice is made returnable on 20th April 2016. Call record and proceeding.

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

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