

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.772 OF 2004

OMPRAKASH S/O GANGAPRASAD BAGDIYA (AGRAWAL)

VS

SK.ANSAR ALI S/O SK. MOHD. ALI AND ORS.

...

Mr. Dhananjay P.Deshpande, Adv. For Resp.No.2.

Mr. VN Upadhye, Advocate for Respondent No.5.

CORAM : P.R.BORA, J.

DATE : 18th August, 2016.

PER COURT :

1) When the matter is taken up for hearing, none has appeared for the appellant.

2) On 23rd February, 2016, this Court (Coram: T.V.Nalavade,J.) has passed a detailed order indicating that if the necessary steps are not taken by the appellant to get the order of abatement and dismissal set aside passed against Respondent Nos.1, 3 and 4, there will be no other option except to dismiss the appeal.

3) The record shows that despite such order being passed, no steps have been taken by the appellant though thereafter at least on four occasions the matter has been adjourned.

4) In view of the fact that the appeal against Respondent No.1, who is owner of one of the offending vehicle which was insured with Respondent No.2-insurance company, has been abated and against Respondent Nos. 3 and 4, the same has been dismissed, who are the owner and driver of the another offending vehicle insured with Respondent No.5 - insurance company, the present appeal cannot be proceeded further only against the insurance companies. Since the appellant has failed in taking the steps, though due opportunities were provided to him, the appeal stands dismissed. Pending CA, if any, stands disposed of.

(P.R.BORA)
JUDGE

bdv/