

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.15868 OF 2010
IN RC/2121/2009

VIJAYKUMAR RAICHAND GUGALE
VERSUS
RAJENDRA MANSUKHLAL LODHA AND ANR

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Advocate for Applicants : Mr. Gandhi Amol S.
Mr. R F Totala For R/2.

CORAM : P.R.BORA, J.

DATE : 20th April, 2016.

PER COURT :

1) Heard. Leave to amend. Amendment be effected forthwith.

2) This is an application for setting aside the order dated 30.04.2009 by condoning the delay which has occasioned in filing the present application.

3) From the record, it is revealed that in CA No.6028/2008 in First Appeal St.No.10061/2008, a conditional order was passed by this Court, permitting the appellant to take steps to serve respondents within eight weeks. Since the appellant did not take any steps within the stipulated period, the appeal and the application

stood dismissed in default.

4) Shri Totla, learned Counsel appearing for the respondent/insurance company has opposed for allowing the application and also for condoning the delay which has occasioned in filing the present application.

5) After considering the submissions advanced on behalf of the appellant/applicants, it appears to me that an opportunity needs to be given to the appellant/applicant to contest the matter on merits. As such, I am inclined to allow the present application. Hence, the following order, -

ORDER

- i) The delay caused in filing the present application stands condoned;
- ii) The order dated 30.4.2009, dismissing the appeal and application against Respondent no.1 is set aside;
- iii) The application and the appeal stand restored to file.
- iv) The Civil Application stands disposed of.

(P.R.BORA)
JUDGE

bdv/