

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION (F) NO. 2664 OF 2016
IN
REJECTED CASE NO. 1502 OF 2016**

National Insurance Co. Ltd;

....Petitioners
(Original Opp. No. 2)

Vs.

Dhirendra Bhanulal Sanghavi & Ors.

....Respondents

Ms. Urmila K. Sonil, Advocate for the Applicant

Ms. Mamta Dave, Advocate for the Respondent Nos. 1 to 3

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.**

DATE : 17 JUNE 2016.

ORDER:-

1. This Civil Application is filed by the original Appellant seeking restoration of the appeal, which was dismissed in pursuance of the conditional order dated 15.7.2015, by which the Appellant was directed to effect service on the Respondents. The dismissal was on account of want of service to Respondent No. 4. All other Respondents namely Respondent Nos. 1, 2, 3, 5 and 6 are served.

2. Learned Counsel for the Applicant/Appellant submits that the amount as directed to be deposited has already been deposited. It is, thus, submitted that the dismissal of the appeal be set aside and the appeal be restored to the file of this Court. Learned Counsel for Respondent Nos. 1 to 3 has no objection for restoration.

3. Considering the averments made and the default so noted and in view of the averments made in application in para nos. 1 to 5 as sufficient case is made out, the application is allowed in terms of prayer clauses (a), (b), (c) and (d). Applicant to take steps in accordance with law.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)