

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.3060 OF 2016

IN

FIRST APPEAL STAMP NO.249 OF 2008

ALONGWITH

CIVIL APPLICATION NO.92 OF 2008

New India Assurance Company Ltd.

.. Applicant

Versus

Joti Gajanan Mahadik and others

.. Respondents

Mr. R. K. Cheulkar for the Applicant.

None for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 12th JULY 2016

PC.

1 The above Civil Application has been filed for restoration of Civil Application No.92 of 2008 which has been dismissed on account of the conditional order dated 03.12.2014 passed by the Registrar Judicial-II of this Court. The Applicant also prays for condonation of delay of 1 year and 163 days in filing the above Civil Application. The conditional order dated 03.12.2014 became operative in view of the fact that the Respondent Nos.1 to 3 were not served. The above First Appeal is filed by the Insurance Company. The above Civil Application is therefore allowed.

Resultantly, Civil Application No.92 of 2008 is restored to file. The above Civil Application is accordingly disposed of.

2 On restoration of Civil Application No.92 of 2008, issue fresh notice to the Respondent Nos.1 to 3 returnable 09.08.2016. In addition to service of notice through Court, the advocate for the Applicant shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

[R.M. SAVANT, J]