

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

**CIVIL APPLICATION NO.3303 OF 2016
IN
FIRST APPEAL STAMP NO.25749 OF 2014
(REJECTED CASE NO.1816 OF 2016)**

National Insurance Co. Ltd.

.. Applicant/Appellant

Versus

Smt. Vaishali Vilas Jattewadkar and others

.. Respondents

Mr. Amol Gatne for the Applicant/Appellant.

None for the Respondent Nos.1 and 2.

CORAM : R.M. SAVANT, J.

DATE : 22nd JULY 2016

PC.

1 Leave to amend so as to correct the number of the First Appeal in prayer clause (A). Amendment to be carried out forthwith.

2 The above Civil Application has been filed for restoration of the First Appeal Stamp No.25749 of 2014 alongwith Civil Application No.3392 of 2014 and Civil Application No.3393 of 2014. The same have been stood dismissed for non-prosecution on account of the conditional order dated 13.03.2015. The Applicant has also sought to explain the delay by the averments mentioned in the Civil Application. Though

appearance of Mr. S. G. Thorat has been shown for the Respondent Nos.1 and 2, the Learned Counsel appearing on behalf of the Applicant/Appellant stated that Mr. S. G. Thorat has refused to accept service. Since aforesaid proceedings have been dismissed for a technical reason prior to notice being issued to the Respondents, the need to serve the Respondents is obviated. Hence, by accepting the reasons mentioned in the Civil Application, the same is allowed. Resultantly, the First Appeal as well as the Civil Applications are restored to file. The Learned Counsel for the Applicant/Appellant undertakes to pay the Bhatta within one week.

3. On Bhatta being paid, issue notice to the Respondents in Civil Application No.3392 of 2014 and Civil Application No.3393 of 2014 returnable on 19.08.2016. In addition to service of notice through Court, the advocate for the Applicant/Appellant 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]