

The New India Assurance Co.Ltd.	...	Applicant
<i>vs.</i>		
Mohammad Hussin Vafat Ali & Ors.	...	Respondents

CORAM : K.K. TATED, J.
DATE : 01ST FEBRUARY, 2016

Heard learned Counsel for the parties.

2. This application preferred by the Insurance Company for setting aside the conditional order dated 26th July, 2013, passed by the learned Registrar (Judicial-II) by which the First Appeal stands dismissed against Respondent Nos.1 and 2 for want of service.

3. Advocate Mr.Thorat appearing on behalf of the Respondent Nos.1 and 2 submits that they have no objection if the Civil Application is allowed. He further submits that he has instructions to appear and file his Vakalatnama in First Appeal No.659 of 2012. Same is accepted.

4. Considering the submissions made by the learned Counsel for the Applicant and averments made in the Civil Application and Advocate Mr.Thorat appearing on behalf of the Respondent No.1 and 2 have no objection to allow the present Civil Application, by consent the following order is passed.

- a) Delay in filing Civil Application is condoned.
- b) Conditional order dated 26th July, 2013 passed by the learned Registrar (Judicial-II) is set-aside.
- c) First Appeal No.659 of 2012 is restored against Respondent Nos.1 and 2.
- d) The learned Counsel Mr.Thorat waives service for Respondent Nos.1 and 2 in First Appeal No.659 of 2012.
- e) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)