

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

30 CIVIL APPLICATION NO. 13044 OF 2016
IN FA/347/2002 WITH CA/12962/2016 IN FA/347/2002

KASAM HASAN KOTWAL DECEASED AND ANR
VERSUS
AMARJIT RULDA SINGH AND ORS

...
Advocate for Applicants : Mr. Vinayak Sudhakar Bedre
Advocate for Respondent No.2 : Mr. S.V. Kulkarni
...

CORAM : K.K. SONAWANE, J.

DATED : 4th DECEMBER, 2017.

Order :-

1. Heard learned counsel for applicants and respondent No. 2.
2. Perused the application. The appeal is filed by original claimants for enhancement of compensation amount for loss caused to the appellants due to death of family member. The appellants failed to take steps to serve notice to respondent No. 1 owner of the offending vehicle. Therefore, the appeal came to be dismissed by this Court on 18-01-2016.
3. In view of nature of subject-matter for enhancement of compensation as directed by the Tribunal for loss caused to the appellant due to death of family member, one more opportunity is required to be given to the applicants-appellants for substantial justice. Hence, application stands allowed in terms of prayer clauses "B to D". The delay caused in filing the present application for restoration of the appeal is hereby condoned. The order dated 18-01-2016 in regard to dismissal of the appeal by this Court is hereby recalled. The appeal be restored to its original stage. Registry to take steps for compliance of present

order.

4. After restoration of the appeal to its original stage, applicants-appellants to serve the notice to respondents No. 1 and 4 through paper-publication, returnable on 10th January, 2018.

5. The civil application stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

mtk.