

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

55 CIVIL APPLICATION NO. 5794 OF 2011
IN FA/1958/2010

UNITED INDIA INS CO LTD AND ANR
VERSUS
DURGADAS DAGADU BHAGWAT AND ORS

...
Advocate for Applicants : Mr. V.R. Mundada
Advocate for Respondents No. 1 and 2 : Mr. B.V. Dhage

**CORAM : K.K. SONAWANE, J.
DATED : 13th NOVEMBER, 2017.**

Order :-

1. Heard learned counsel for applicants/appellants - Insurance Company as well as learned counsel for respondents No. 1 and 2-original complainants.
2. Perused the application and relevant documents produced on record. For the reasons stated in the application, there is no impediment to quash and set aside the impugned order passed by this Court on 20-04-2009 for dismissal of the first appeal against respondent No. 6 driver of the offending vehicle. The delay, if any, caused in filing the present application for restoration is hereby condoned. The application is accordingly allowed in terms of prayer clauses "B" and "C". The delay, if any, caused in filing the present application is condoned. The first appeal is hereby restored to its original stage. Registry to take requisite steps for further process.
3. After restoration of the appeal to its original stage, re-issue notice to respondent No. 6 through paper publication by publishing it in the news paper "Daily Punyanagari". Registry to do the needful to facilitate the applicant-appellant - Insurance Company to publish the notice to be served to respondent No 6 through paper publication. Notice returnable on 18th December, 2017.

**[K. K. SONAWANE]
JUDGE**