

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

CIVIL APPLICATION NO. 12247 OF 2011
IN X-OBJST/6997/2005 WITH CA/7583/2005 IN FA/19/1998

SHEWANTABAI GANGARAM RODEKAR AND ORS
VERSUS
UNITED INDIA INS CO LTD AND ORS

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Advocate for Applicants : Mr. D. Y. Nandedkar.
Advocate for Respondent nos. 1, 2 : Mr. D. V. Soman
Advocate for Respondent nos.4 : Mr. U. B. Bilolikar

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CORAM : K.K. SONAWANE, J.

DATE : 6 December, 2017.

PER COURT:

1. Heard learned counsel for the applicants as well as learned counsel for respondent nos. 1, 2 & 4. None appears for respondent no.3.

2. Perused the application. The learned counsel for the applicants submits that due to unavoidable circumstances, steps could not be taken against the respondent no.3, which resulted into dismissal of the cross objection filed on behalf of applicants. He explained circumstances and prayed that the impugned order of dismissal of the cross-objection may be set aside and the applicants may be allowed to take steps for securing the presence of respondent no.3 in this proceedings.

3. The learned counsel for the respondents fairly conceded to pass suitable orders in th interest of justice.

4. In view of nature of the subject matter and the reasons mentioned in the application, there is no impediment to allow the application. Accordingly the application stands allowed in terms of prayer clause- 'B' & 'C'. The delay caused for filing present application, stands condoned. The impugned order of dismissal of cross-objection against respondent no.3 is hereby set aside and quashed and same be restored at its original stage. The applicants are hereby permitted to serve the notice to the respondent no.3 through paper publication. The notice is made returnable on 22nd January, 2018.

5. The Registry to do the needful to facilitate the applicants to serve the notice to respondent no.3 by publishing the notice in daily newspaper having wide circulation in the area of Nizamabad District of Andhra Pradesh. Accordingly, application stands disposed of.

[K.K. SONAWANE]
JUDGE.

vsm/-