

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

CIVIL APPLICATION NO. 7700 OF 2015 IN FA/581/2014

NEW INDIA ASSURANCE COMPANY LTD
VERSUS
CHHAGAN KERU NARWADE AND ORS

...
Advocate for Appellant : Mr. S. G. Chapalgaonkar.
Advocate for Respondents No. 1,2 : Mr. Y. V. Kakade.
...

CORAM : K.K. SONAWANE, J.

DATED : 21TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for the appellant- New India Assurance Company Limited Aurangabad as well as learned counsel for respondents No. 1 and 2 (original claimants). Despite service of notice through paper publication, none appears for respondent No.3 (original respondent No.1).

2. In view of reasons mentioned in the application as well as the service of notice through paper publication to respondent No.3 has already been effected, I do not find any impediment to recall the Order dated 01-02-2013 for dismissal of appeal against respondent No.3. Hence, the impugned order dated 01-02-2013 for dismissal of the appeal against respondent No.3 stands recalled and appeal be restored against respondent No.3 at its original stage. Registry to take requisite steps for further process. Accordingly, civil application stands disposed of in above terms.

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