

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

CIVIL APPLICATION NO. 12775 OF 2017 IN FA/1045/2012

THE ORIENTAL INSURANCE COMPANY LIMITED
VERSUS
SARASWATIBAI RAMESHWAR GAWALI AND OTHERS

...
Advocate for Appellant : Mr. Uday S. Malte.
Advocate for Respondent No. 1 to 6 : Mr. B. N. Patil.
Advocate for Respondent No.8 : Mr. S. V. Kulkarni.
...

**CORAM : K.K. SONAWANE, J.
DATED : 09TH OCTOBER, 2017.**

Order :-

Heard learned counsel for applicant (original appellant)- Insurance Company and learned counsel for respondents No.1 to 6 (original claimants) as well as respondent No. 8 United India Insurance Company Limited. Perused the application.

2. In view of nature of the subject matter, there is no impediment to allow the applicant for service of notice to respondent No.7 through paper publication after setting aside the Order of dismissal passed by this Court dated 28-09-2012, by condoning the delay caused for the same. The learned counsel for respondents No.1 to 6 (original claimants) and respondent No.8 fairly conceded for the same, for expeditious hearing of the matter. The application stands allowed in terms of prayer clauses (B), (C) and (D) accordingly.

3. The Registry to do the needful to facilitate the applicant for service of notice to respondents No. 7 and 9 through paper publication.

4. The dismissal of order passed by this Court dated 28-09-2012 against respondent No.7 is hereby set aside and quashed and same be restored at it's original stage. Accordingly, civil application stands allowed in above terms and disposed of.

5. List the matter for further process on 27th November, 2017.

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