

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

CIVIL APPLICATION NO. 13089 OF 2016 IN FA/275/2002

M/S NATIONAL INSURANCE COMPANY LTD.
VERSUS
NAMDEO NIVRUTTI CHALWAD AND ANOTHER.

...
Advocate for Applicant : Mr. V. N. Upadhye.
...

CORAM : K.K. SONAWANE, J.

DATED : 24TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant- Insurance Company as well as learned counsel for respondents (original claimants).

2. Perused the application. It reveals that the applicant did not secure his presence in appeal. Therefore, circumstances constrained to dismiss the appeal for want of prosecution. The learned counsel for appellant submits that due to unavoidable circumstances, he could not work out the matter on that day. The matter pertains to compensation arising from the Motor Vehicles Act, 1988. Therefore, he prayed to restore the appeal at it's original stage by recalling the order of dismissal dated 16-12-2015 by this Court (Corum: T.V.Nalawade, J).

3. In view of reasons mentioned in the application, there is no impediment to allow the application in the interest of justice. Hence, civil application stands allowed in terms of prayer clause (1). The order of dismissal passed by this Court dated 16-12-2015 is hereby recalled. The First Appeal No. 275 of 2002 be restored at it's original stage. The Registry to take note about the same and do the needful for further process. Accordingly, civil application stands disposed of in above terms.

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

rrd.