

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

914 FIRST APPEAL NO. 608 OF 2011
WITH CA/9923/2018 IN FA/608/2011

NITIN SURESH KALAL
VERSUS
HALIMKHA MOHIDKHA PATHAN AND ORS

...
Advocate for Appellant : Mr. Sudhir I. Nandode
Advocate for Respondent No. : 3 Mr. Bora h/f Mr. P.P. Bafna :
...

CORAM : A.M. DHAVALÉ, J.

DATED : 3rd AUGUST, 2018.

Order :-

1. Heard learned Advocate for the appellant.
2. This is the appeal against driver, owner and insurer. The appeal has been dismissed against respondents No. 1 and 2 on 30-10-2012. In view of the same, the appeal as against respondent No. 3- Insurance Company alone is not maintainable as the cause of action does not survive against respondent No. 3. Hence the appeal stands dismissed.
3. The appellant is at liberty to amend the civil application.

**[A.M. DHAVALÉ]
JUDGE**

MTK.