

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

**911 CIVIL APPLICATION NO. 3940 OF 2012
IN FAST/8737/2012 WITH CA/3941/2012 IN
FAST/8737/2012**

THE ORIENTAL INSURANCE CO. LTD. THR. BR. MANAGER
VERSUS
MOHAMMED IBRAHIM MOHAMMED SARWAR QURESHI AND ANR

...
Advocate for Applicant : Shri Dhananjay P.Deshpande .
Advocate for Respondent No.1 : Shri G.R.Sayed
...

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CORAM : P.R.BORA, J.
DATE: 27th September, 2018

PER COURT:-

1 Heard Shri D.P.Deshpande, learned Counsel appearing for the applicant/appellant Insurance Company and Shri G.R.Sayed, learned Counsel appearing for respondent No.1.

2 Respondent No.2, though duly served, has not caused appearance in the matter.

3 Delay of 115 days has occurred in filing the appeal. The reasons are explained in paragraph Nos.3 to 6 of the application. The learned Counsel for respondent No.1 i.e. Original claimant has not seriously disputed for condoning the delay.

4 In view of above, the following order is passed:-

ORDER

I) Civil Application No.3940 of 2012 is allowed and disposed of.

II) Appeal be registered in accordance with law.

III) On registration of appeal, issue notice to the respondents, returnable on 31.10.2018. Shri G.R.Sayed, learned Counsel waives service of notice for respondent No.1

IV) The appellant Insurance Company is permitted to serve respondent No.2 by way of paper publication in the manner as he was earlier served. Notice be made returnable on 31.10.2018. It be mentioned in the notice that an endeavour shall be made to dispose of the appeal finally at the admission stage.

(P.R.BORA)
JUDGE

SPT