

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

CIVIL APPLICATION NO. 9036 OF 2009
IN FAST/13294/2009

CHANDRAKALABAI CHAGANRAO POTRAJ AND ORS
VERSUS
SUNDAR GANGARAM BATWALE AND ORS

...
Advocate for Applicants : Mr. S. P. Urgunde, Mr. R. V. Gore
Advocate for Respondent No.3 : Mr. Rameshwar F. Totala
...

CORAM : SUNIL K. KOTWAL, J.

DATED : 10th OCTOBER, 2018.

ORDER :-

Heard learned counsel for applicants and respondent No.3. Despite service of notice, none appears on behalf of both respondents No.1 and 2.

2. This is an application filed for condonation of 7 days delay caused in filing first appeal.

3. Considering the nature of litigation and for the reasons stated in application, the delay of 7 days caused in filing first appeal is hereby condoned. Civil Application is allowed in terms of prayer clause 'B'. Civil Application is disposed of accordingly.

4. First Appeal (Stamp) No. 13294 of 2009 be registered.

5. Issue notice to the respondents, returnable on 30-11-2018.

6. Mr. R. F. Totala, learned counsel waives service of notice for respondent No. 3 – Insurance Company.

7. Call for record and proceedings.

**[SUNIL K. KOTWAL]
JUDGE**

rrd.