

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

25 CIVIL APPLICATION NO. 6135 OF 2018

FIRST APPEAL NO. 809 OF 2011

ARUN LAXMAN MOHANE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ORS

...

Advocate for Appellant : Mr. Bhokarikar Madhav M
Advocate for Respondent no.1 : Mr. S.G.Chapalgaonkar
Advocate for Respondent no.4 : Mr.Kamar Mujawar

....

CORAM : SUNIL K. KOTWAL, J.

DATE : NOVEMBER 26, 2018

O R D E R :

Appeal against respondent no.2 is dismissed
for not taking steps.

This application is for condonation of delay
of 1472 days caused in filing the application for
restoration of First Appeal. In Motor Accident Claim
Petition, respondent no.2 is owner of the offending
vehicle. Therefore, his presence is necessary for
proper adjudication of this litigation.

Considering this circumstance, for the reasons
stated in the application, delay of 1472 days caused in

filing this application for restoration is condoned. Appeal against respondent no.2 is restored at its original stage. Permission is granted to the applicant/appellant to serve respondent no.2 by alternate mode i.e. by service through news paper publication.

Permission is granted to publish notice to respondent no.2 in daily news paper "Punyanagari Edition" having circulation in Taluka Pachora, District Jalgaon.

Civil Application is disposed of.

List the First Appeal for hearing on 10.1.2019.

[SUNIL K. KOTWAL, J.]

dbm