

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**908 CIVIL APPLICATION NO. 11197/2018
IN FAST/19555/2016**

THE NATIONAL INSURANCE CO. LTD. THR. ITS MANAGER
VERSUS
SWATI BABASAHEB KULKARNI AND ORS

...
Advocate for Applicant : Shri Sudhir V. Kulkarni
Advocate for Respondent Nos.1 to 5 : Shri R.K.Ashtekar

...
CORAM : P.R. BORA, J.
Date: September 06, 2018

...
PER COURT :-

1 Learned Counsel for the applicant submits that inadvertently the common order passed by this Court on 27.07.2018 could not be noticed and hence could not be complied with. The learned Counsel submits that except respondent No.6, the other respondents are served. The learned Counsel further submits that respondent No.6, the owner of the vehicle was served by way of paper publication in the matter before Tribunal also. The learned Counsel, therefore, prayed for setting aside the dismissal of the appeal for not taking steps.

2 Shri R.K.Ashtekar, learned Counsel for respondent Nos.1 to 5, has submitted for passing appropriate orders.

3 In fact, at the most the appeal could have been dismissed

against respondent No.6 against whom no steps were taken in the given period, however, inadvertently, the entire appeal has been dismissed. The order, therefore, needs to be set aside and the appeal needs to be restored to its original file and is accordingly restored.

4 Civil application No.11197 of 2018 stands disposed of.

(P.R.BORA)
JUDGE

SPT