

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

CIVIL APPLICATION NO. 11523 OF 2018

IN

FIRST APPEAL NO. 599 of 2007

New India Assurance Co. Ltd.

Applicant.

Versus

Vijaykumar Daulatrao Pokharna & others.

Respondents.

Mr. D.P. Deshpande, Advocate for the applicant.

Mr. A.M. Gaikwad, Advocate for respondent Nos.1 (a) to 1 (c).

CORAM : **SUNIL K. KOTWAL,J.**

Dated : **12th September 2018.**

PER COURT :-

. Heard.

2. Delay caused in filing the application is condoned for the reasons stated in the Application. The dismissal order dated 17.03.2009 passed in First Appeal No.599 of 2007 is set aside.

3. Civil Application is disposed of.

4. Issue notice to respondent No.2 in appeal. Substitute service of notice by publication in local newspaper circulated in the area where respondent No.2 resides, is allowed.

**(SUNIL K. KOTWAL)
JUDGE**

vdd/