

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

CIVIL APPLICATION NO. 6801 OF 2018
IN FA/3153/2009

M/S. ORIENTAL INSURANCE CO.LTD
VERSUS
BALASAHEB BHAUSAHEB DESHMUKH AND ANR

...
Advocate for Applicant : Mr. V. N. Upadhye
Advocate for Respondent No.1 : Mr. Prashant P. Dama
...

CORAM : SUNIL K. KOTWAL, J.

DATED : 12th OCTOBER, 2018.

ORDER :-

First Appeal is dismissed against respondent No.3 on 3-5-2011. Thereafter, this application is filed for condonation of delay and for recalling the order of dismissal with additional prayer of issuance of summons to respondent No.3. Respondent No.3 being an owner of the offending vehicle, his presence in first appeal is necessary.

2. Therefore, delay of 2309 days caused in filing this application is condoned. The dismissal order dated 03-05-2011 is recalled. First Appeal is restored against respondent No.3. Issue notice to respondent No.3, returnable on 30-11-2018.

3. Civil Application is allowed in terms of prayer clauses 'A' and 'B' and disposed of accordingly.

**[SUNIL K. KOTWAL]
JUDGE**

rrd.