

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

38 CIVIL APPLICATION NO. 14305 OF 2017
IN FAST/18984/2012

DEOKABAI SUVARNASINGH RAJPUT AND ORS
VERSUS
D.M. OBANNA S/O D.M. OBANNA AND ORS

...
Advocate for Applicants : Mr. Kalyan Patil h/r Mr. S.R. Barlinge
...

CORAM : K.K. SONAWANE, J.

DATED : 8th JANUARY, 2018.

Order :-

1. Heard learned counsel for applicants. Perused the relevant documents produced on record.
2. The applicants preferred the appeal against judgment and award passed by Motor Accident Claims Tribunal, Aurangabad along with application for condonation of delay. Notices were issued to respondents No. 1 and 2, but the same were returned unserved. However, applicants did not take steps within stipulated period for service of notice to respondents No.1 and 2. In the result, circumstances constrained this Court to dismiss the application for condonation of delay against respondents No.1 and 2.
3. The applicants submits that due to unavoidable circumstances steps could not be taken against respondents No. 1 and 2. The matter pertains to motor accident claim, therefore, they requested to restore the application for condonation of delay along with appeal against respondents No.1 and 2 and permission may be granted to serve respondents No. 1 and 2 through paper publication.
4. In view of submission, I do not find any impediment to restore the proceedings of appeal filed on behalf of applicants along with application for condonation of delay to its original stage. It would not

cause any prejudice to either side. In contrast, it would sub-serve the purpose. Hence, application is allowed in terms of prayer clauses "B and C". Accordingly, order dated 16-11-2015 is hereby recalled. The delay, if any, caused in filing the present application stands condoned. The civil application No. 8586 of 2012 for condonation of delay along with appeal stands restored to its original stage.

5. After restoration of the proceedings to its original stage, applicants are permitted to serve notice to respondents No. 1 and 2 through paper publication. Learned counsel for the applicants to furnish the name of daily newspaper for publication of notice of respondents No. 1 and 2 in the Registry and accordingly Registry to do the needful to facilitate service of notice to respondent No. 1 and 2 to be published in daily newspaper circulated in the residential area of respondents No. 1 and 2. Notice returnable on 20-02-2018.

6. Accordingly, civil application stands disposed of in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.