

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

**CIVIL APPLICATION NO. 15485 OF 2017
IN CA/9023/2010 IN FAST/16620/2010**

THE NATIONAL INSURANCE CO LTD., THR ITS DIV.
MANAGER, AURANGABAD
VERSUS
KUSUM TRIMBAK RAUT AND ORS

...
Advocate for Applicant : Mr.M.A.Deshmukh h/f. Mr. S.G.Chapalgaonkar.

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CORAM : K.K. SONAWANE, J.
DATED : 5TH JANUARY, 2018.

Order :-

Heard learned counsel for applicant.

2. Perused application. The appeal pertains to claiming compensation under the Motor Vehicles Act. The same is pending since year 2010. However, for not taking requisite steps within stipulated period on behalf of applicant, First Appeal Stamp No. 16620 of 2010 is dismissed for want of prosecution.

3. Considering the nature of subject matter and reasons mentioned in the application, it would be apposite to afford one more opportunity to the applicant in the interest of justice. The impugned order of dismissal of appeal against respondents No. 6 and 7 dated 01-03-2013 is hereby upset and quashed by condoning the delay caused for filing the present application. The appeal bearing FAST/16620/2010 against respondents No. 6 and 7 be restored at it's original stage. The applicant is permitted to serve the notice to respondents No. 6 and 7 through paper publication. Accordingly, application stands allowed in terms of prayer clauses 'B, C, D'. Registry to do the needful for compliance of procedural formalities.

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

**[K. K. SONAWANE]
JUDGE**

rrd.