

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

CIVIL APPLICATION NO. 15496 OF 2017 IN FA/710/2010

THE NATIONAL INSURANCE CO LTD., THR ITS DIV.
MANAGER, AURANGABAD

VERSUS

SUDHIRKUMAR KRISHNAKUMAR MISHRA AND ORS

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Advocate for Applicant : Mr. M. A. Deshmukh h/f. S.P. 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 No. 710 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 respondent No. 3 dated 11-10-2011 is hereby upset and quashed by condoning the delay caused for filing the present application. The appeal bearing FA/710/2010 against respondent No. 3 be restored at its original stage. The applicant is permitted to serve the notice to respondent No. 3 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.