

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION (ST.) NO. 5135 OF 2018
IN
R.C. NO. 2092 OF 2017**

The New India Assurance Co. Ltd. ... Appellant/Applicant
V/s.
Baskar Pandurang kamble & Anr. ... Respondents

Mr. D.R. Mahadik for the Appellant/Applicant.

CORAM : K.K. SONAWANE, J.

DATE : 14th AUGUST, 2018.

P.C. :

1 Heard the learned Counsel for the Applicant-Assurance Company. Perused the application and impugned order passed by the Registrar (Judicial-II) for dismissing the proceeding of First Appeal (St.) No.35135 of 2013 with Civil Application No.3951 of 2014. The learned Counsel for the applicant-Assurance Company submits that due to unavoidable circumstances, the steps could not be taken for service of notice to the unserved Respondent Nos.1 and 2 resulting into dismissal of the proceeding. The learned counsel for the applicant-Assurance Company undertake to take steps unserved respondent Nos.1 and 2 within a week after restoration of proceeding at its original stage.

2 In view of submission, impugned order passed by the learned Registrar dated 09.10.2015 is hereby recalled. Proceeding of the First Appeal (St.) No.35135 of 2013 with Civil Application No.3951 of 2014 be restored at its original stage.

3 After restoration, the applicant shall take requisite steps for service of notice to unserved respondent Nos.1 and 2 within a week.

4 In above terms, the application stands disposed of.

(K.K. SONAWANE, J.)

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Sushil
Waghmare

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