

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 893 OF 2007
WITH
CIVIL APPLICATION NO. 1000 OF 2017
IN
FIRST APPEAL NO. 893 OF 2007**

Joseph Vergis Abraham

....Applicant/
Appellant

Versus

Dattatraya Kisan Bhujbal And Ors.

....Respondents

.....

Mr.D.D.Shinde i/b. Mr. U.B. Nighot for the Applicant/Appellant.

Mr.Abhaykumar Apte for Respondent No.1.

Mr.G.H. Keluskar for Respondent No.2.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 17, 2018**

P.C.:

1. This Application is moved for restoration of First Appeal which was dismissed for non-compliance of the conditional order dated 1st August, 2008 passed by this Court.

2. The learned counsel for the applicant submits that the First Appeal was dismissed for non-compliance of the conditional order dated 1st August, 2008 passed by this Court. He prays that the applicant be given an opportunity to serve respondent nos. 3 and 4 by way of substituted service by R.P.A.D. and also by publication in Marathi daily newspaper.

3. In view of the above submission, the conditional order dated 1st August, 2008 of dismissing the First Appeal is hereby set aside. First Appeal is restored to its original file. The learned Counsel for the applicant is allowed to serve respondent nos. 3 and 4 by R.P.A.D. and by publishing in one Marathi daily newspaper.

4. Insurance Company to remain present on the next date. Civil Application is allowed and is accordingly disposed of.

5. The learned Counsel for the appellant to produce service and to file private paper book.

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6. Issue notice to the respondents, returnable on 7th February, 2018. Additionally, private service is allowed.

(MRIDULA BHATKAR, J.)