

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (0) NO.1359/2018 & MCA NO. 817/2018 &
CAF NO.2356/2018

IN

FIRST APPEAL NO. 351/2005

(1.Smt. Mangalabai wd/o Santosh Mandot and others vs. Oriental Insurance Company and
others)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Mr. Thakre Adv. h/for Mr. M.M.Agnihotri, Advocate for the applicants
Mrs. M.S. Naik, Adv. for respondent no.1

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 1st August, 2018.

This is an application seeking condonation of delay of 953 days delay in filing the restoration application.

For the reasons mentioned in the Application, the delay of 953 days is condoned. Civil Application is allowed and disposed of.
MCA NO. 817/2018

This is an application for restoration of First Appeal against the respondent nos.2 and 3. Learned Advocate for the applicants submits that since the counsel for the appellant/applicant lost the office file, he could not take appropriate steps for service on respondent nos.2 and 3. He contended that he has secured the paperbook from the counsel of Insurance company and is taking steps in the matter. He requested for restoration of the Appeal.

After hearing both sides and on a perusal of the application I am satisfied that First Appeal needs to be restored to file.

Hence, the First Appeal is restored to file. MCA stands disposed of.

CAF NO. 2356/2018

This is an application for grant of permission to serve the respondent nos. 2 and 3 through paper publication. It is submitted by the learned counsel for the applicants that notices were issued in the First Appeal however for want of correct address, the applicants could not serve the respondent nos.2 and 3. It is further stated that the counsel for the appellant lost the brief and as such, the respondent nos.2 and 3 are not yet served. It is submitted that copy of the paperbook has been secured by the learned counsel and he is taking further steps.

For these reasons aforesaid, the Application needs to be allowed. Hence the order.

The applicants are allowed to serve the respondent no.2 and 3 by publishing an advertisement in widely circulated Hindi daily in Bhopal and Baitul districts of Madhya Pradesh respectively. The process of paper publication be completed within a period of one month. The matter to appear on Board after one month, for final hearing.

JUDGE

Satase