

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CA NO.2125/2018 IN FIRST APPEAL NO.1351/2017

[Narsing s/o Bhuggappa Kaveri .vs. Smt. Archana Subhash Salam and others]

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

Court's or Judge's orders

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Shri N.A. Gaikwad, Advocate for Appellant,
Shri Abhay Bhide, Advocate for Respondent nos.1 to 3.
Shri D.N. Kukday, Advocate for Respondent no.5.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 23, 2018.

This is an application filed by applicant-appellant to recall orders dated 2.5.2018/7.5.2018 passed by the learned Registrar of this court and to restore the appeal against respondent no.4.

The appellant submits that he had preferred the appeal against the judgment and award passed by the learned Member, Motor Accident Claims Tribunal, Kelapur, District-Yavatmal on 14.7.2017 in MACT No.16/2010. This court had issued notices against the respondents, however, notice issued against respondent no.4 was returned back unserved for want of correct address. The registry of this court directed the appellant to take further steps to serve respondent no.4 by providing its correct address, however, as it was not provided by the appellant, the appeal came to be dismissed against respondent no.4.

Heard the learned counsel for both the sides.

For the reasons mentioned in the application, the applicant be given one more opportunity. Hence, the orders dated 2.5.2018/7.5.2018 passed by the learned Registrar are hereby recalled and the appeal is restored to file against respondent no.4.

With this order, the application stands disposed of.

Civil Application (CAO) No.1192/2018

This is an application for condonation of delay in filing the application for restoration of appeal dismissed against respondent no.4.

For the reasons mentioned in the application, I am satisfied that the delay needs to be condoned. Hence, the delay of 30 days in filing the application for restoration of appeal dismissed against respondent no.4 is hereby condoned.

With this order, application stands disposed of.

JUDGE

Gulande