

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

FIRST APPEAL NO. 292 OF 2011

MANISHA @ NEHA SANJAYU SASE AND ANR.
VERSUS
MR. JASWANTSINGH A. SAINI AND ORS.

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Advocate for the Appellant : Mr. M.G. Devkate, h/f Mr. S.D. Tambat Dhumal.
Advocate for the Respondent No. 2 : Mr. V.R. Mundada.

CORAM : MANGESH S. PATIL, JJ.

DATE : 13/11/2019

PER COURT :

Learned advocate Mr. Devkate, h/f Mr. Tambat, learned advocate for the appellant is present.

2. The learned advocate for the respondent No. 2 Insurance Company is present.

3. The appeal has been preferred by the original claimant who had instituted a proceeding under Section 166 of the Motor Vehicles Act against the respondents No. 1 and 2 who are the owner of the vehicle and insurer respectively.

4. It appears from the record that the respondent No. 1 was reported to be dead and steps were not taken to bring on record his legal representatives. Consequently, by the order of the Registrar

(Judicial) dated 28.02.2012 the First Appeal was ordered to be disposed of as abated as against the respondent No. 1.

5. In view of such state of affairs, the cause of action would not survive qua the respondent No. 2 Insurer alone and the entire First Appeal stands disposed of automatically by virtue of its dismissal as abated as against the respondent No. 1 insured.

6. The First Appeal is dismissed.

(MANGESH S. PATIL, J.)

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