

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

**1046 CIVIL APPLICATION NO.9240 OF 2019
IN FAST/12711/2016**

**NEW INDIA INSURANCE CO. LTD.
VERSUS
THAKAJI KERBA PACHARNE (DIED) THR LRS PAMABAI AND ORS**

...
Advocate for Applicant : Mr. Chapalgaonkar S.G.
Advocate for Respondent No.2 & 5-A : Mr. S.J. Salunke
Advocate for Respondent No.4 : Mr. R.B. Temak
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 2nd AUGUST, 2019.

ORDER :

. This application has been filed for condonation of delay of 499 days in filing civil application for recalling of order passed by this Court on 12.02.2018.

2. The present applicant has filed appeal along with condonation of delay application wherein notices were issued to the respondents. It appears that steps were not taken to serve respondent No.3 and therefore, conditional order was passed by this Court on 12.02.2018 that if steps are not taken within four weeks, then the matter would stand dismiss. Applicant has not taken the steps within the aforesaid period and therefore, by the said conditional order, it was treated that applications are

dismissed as against respondent No.3. Since respondent no. 3 was not served at all in the said application for condonation of delay, it is not necessary to issue notice of this application. So also, it is not necessary to issue notice to other respondents. Now, it is stated that there is a delay of 499 days and the reasons have been stated in paragraph No.5.

3. Taking into consideration the said reasons and taking liberal view, in view of the fact that the applicant is the Insurance Company, delay stands condoned. Civil Application stands allowed. The order passed by this Court on 12.02.2018 stands recalled.

4. Issue notice to respondent No.3 by paper publication in Daily Lokmat or Daily Divya Marathi, Ahmednagar Edition, to be made returnable on 01.10.2019.

5. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/