

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

**1058 CIVIL APPLICATION NO.11663 OF 2018  
IN FA/38/2005**

MANISHA NITIN EKBOTE  
VERSUS  
NATIONAL INSURANCE CO. LTD.

...  
Advocate for Applicant : Shri N.C. Ekbote  
Advocate for Respondent : Shri R.C.Bora h/f. Shri P.P.Bafna

...  
**CORAM : P.R.BORA, J.**

**DATE: 15<sup>th</sup> February, 2019**

**PER COURT:-**

1 Learned Counsel for the applicant submits that since on the previous dates the matter could not be attended because of some communication gap, the order has been passed by this Court thereby dismissing the appeal in default. The learned Counsel submitted that he is ready to argue the matter today itself, if the appeal is restored to its original file.

2 The learned Counsel for the Insurance Company though has opposed the request made by the learned Counsel for the applicant, in the alternative it is submitted that if the applicant - appellant is ready to argue the matter today itself, there may not be any objection for allowing the application and for taking up the matter for final disposal.

3 In view of submissions so made, application is allowed.

4 The order dated 31.08.2018 passed by this Court is recalled.

5 First Appeal No.38 of 2005 stands restored to its original file.

6 List the mater for final disposal on 08.03.2019.

**(P.R.BORA)**  
**JUDGE**

SPT