

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 256 OF 2010
IN
FIRST APPEAL NO. 854 OF 1991**

The United India Insurance Co. Ltd.Applicant
V/s.
Pandurang Atmaram Keni and anr.Respondents

**WITH
CIVIL APPLICATION NO. 257 OF 2010
IN
FIRST APPEAL NO. 855 OF 1991**

The United India Insurance Co. Ltd.Applicant
V/s.
Aruna Ramdas Patil and ors.Respondents

Mr. Nikhil Mehta i/b. KMC Legal Venture for the applicant / appellant.
Ms. Priyanka Thakur for respondent no.1.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 04th OCTOBER, 2019**

P.C.:-

ORDER IN CIVIL APPLICATION NO. 256 OF 2010 :-

. This is an application for restoration of First Appeal No.854/1991 which was dismissed for non prosecution on 13/01/2010. The office remark shows that the application has been dismissed as against respondent no.2 by Registrar's order dated 03/08/2011 and that the notice issued to respondent no.1 has returned unserved with the bailiff's remark 'dead'. Hence, Civil Application No.256 of 2010 is dismissed.

ORDER IN CIVIL APPLICATION NO. 257 OF 2010 :-

2. By this application, the applicant has sought to restore the appeal which was dismissed for default. The office remark shows that by Registrar's order dated 15/07/2010, application is already dismissed as against respondent nos.1 and 2 and by order dated 28/07/2015, the application is dismissed against respondent no.6.

3. Respondent nos.3 to 5 were minors who were earlier represented by respondent no.2. No steps have been taken by the applicant either to restore the application against respondent no.2 or to appoint the guardian and/or to take steps to serve the unserved respondents nos.3 to 5 through guardian. It appears that the applicant is not interested in pursuing the application. Hence, the Civil Application No.257/2010 is dismissed.

4. Statutory deposit, if not yet transferred, be transferred to the trial court.

Preeti H.
Jayani

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Date: 2019.10.15
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(SMT. ANUJA PRABHUDESSAI, J.)