

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

**CIVIL APPLICATION NO.304 OF 2019
IN
CIVIL APPLICATION NO.2108 OF 2018
WITH
CIVIL APPLICATION NO.305 OF 2019
IN
FIRST APPEAL (STAMP) NO.4116 OF 2018**

Iffco Tokio General Insurance Co. ...Applicant
Ltd.
Versus
Ganesh Namdev Dagade and Anr. ...Respondents
.....
Ms Deepika Motagi I/b. M/s. Res Juris for the Applicant.
Mr. T.J. Mendon for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 16th AUGUST, 2019.

P.C.:-

The Applicant herein has sought restoration of the Civil Application No.2108 of 2018 as against the Respondent No.2, which has been dismissed for non compliance of conditional order dated 26th February, 2019.

2. By order dated 26th February, 2019 the Applicant was given four weeks' time to take steps to serve the Respondent No.2. The Applicant was put to notice that the civil application would stand

dismissed, if necessary steps were not taken to serve the Respondent No.1. Failure of the Applicant to serve the Respondent No.2 resulted in dismissal of the application against the Respondent No.2.

3. The learned counsel for the Applicant states that steps will be taken to serve the Respondent No.2 by R.P.A.D. within a period of two weeks. Statement is accepted.

4. In the light of the said statement and in view of the reasons stated in paragraph 3 of the application, which in my considered view constitute sufficient cause, the application is allowed. Dismissal order as against the Respondent No.2 is recalled and the Civil Application No.2108 of 2018 is restored as against the Respondent No.2.

5. The Civil Application No.304 of 2019 stands disposed of.

6. Till such time the Respondent No.2 is served, the Civil Application No.305 of 2019 is kept pending.

7. Stand over to **30/8/2019**.

(SMT. ANUJA PRABHUDESSAI, J.)