

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019
IN
CIVIL APPLICATION NO. 3504 OF 2017
IN
FIRST APPEAL ST NO. 29862 OF 2017

Bajaj Allianz General Insurance
Co.Ltd through its Thane
Divisional Manager .. Applicant
Versus
Bhima Dnyanoba Gaikwad & ors .. Respondents

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Ms.Aditi Athawale i/b Yogita Chitnis for the applicant.
None for the respondents.

CORAM: BHARATI DANGRE, J.
DATED : 11th MARCH 2020

P.C:-

1 The said application has been taken out seeking condonation of delay of 185 days in filing the restoration of Civil Application No. 3504 of 2017 and the dismissal as against respondent no.3 by order dated 14th March 2019.

2 On perusal of the various orders passed, the position that emerges is to the effect that on Civil Application No.3504 of

2017 seeking condonation of delay in filing the First Appeal, notice came to be issued to the respondents on 14th November 2017. Respondent no.3 was not served. Resultantly, the Civil Application was dismissed against respondent No.3 by the Registrar Judicial II on 14th March 2019.

3 On 11th October 2019, the Advocate for the appellant sought some time to take necessary steps and though the order does not specifically state, but it means steps to serve the respondent no.3. Subject to payment of costs of Rs.500/-, matter was directed to be listed on 15th November 2019. Learned counsel for the applicant deposited the said costs of Rs.500/-. However, respondent no.3 remained unserved. Even as on date, respondent no.3 is not served. However, today Civil Application No.3504 of 2017 has been allowed by condoning the delay in filing the First Appeal. In such circumstances, when the Appeal itself is directed to be listed by condoning the delay, the respondent no.3 now is required to be served on the main Appeal.

4 In such circumstances, Interim Application No.1 of 2019 do not deserve any consideration at this stage and is accordingly dismissed.

SMT. BHARATI DANGRE, J