

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

REVIEW APPLICATION (CIVIL) NO.32 OF 2015
IN
CIVIL APPLICATION NO.10118 OF 2010 IN FA/433/2014

MAHEBOOBKHAN RASHIDKHAN PATHAN
VERSUS
GAUTAM BHIKAN LOKHANDE AND OTHERS

....

Mr. R.L Kute, Advocate for the Applicant
Mr. P.F. Patni, Advocate for Respondent No.1

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 09th MARCH, 2022

PER COURT:-

1. Mr. R.L. Kute, learned counsel for the applicant, Mr. P.F. Patni, learned counsel for respondent no.1 and Mr. D.G. Nagode, learned counsel for Respondent no.2 are present. Mr. A.B.Gatne, learned counsel for respondent no.4 remained absent, when matter is called out. Application is dismissed against respondent no.2 vide order dated 18.01.2013.

2. Mr. Kute, learned counsel for the applicants pointed out that copy of this review application with annexures are given to Mr. Gatne, learned counsel for respondent no.4 on 14.01.2019. He invited my attention to the order passed by this Court in civil

application no. 10118 of 2010. He submits that the applicant has made the following two main reliefs.

“(A) Grant this Civil Application and allow the applicant to add the respondent no.4 as party to the above mentioned First appeal and for that purpose issue necessary orders:

(B) Grant this Civil Application and allow the applicant to produce the additional document on record namely the Insurance policy and the cover note and for that purpose issue necessary orders.”

3. On 17.01.2014, an adjournment was sought on his behalf, but the Court was pleased to turn down that request and dismissed the application for impleading the insurance company as respondent no.4 in the appeal. That order needs to be reviewed. He submits that on the date of accident, the vehicle of the applicant was duly insured. The copy of the insurance policy was with the Bank, and as such, he could not produce the same. It is necessary to add the insurance company as a party to these proceedings in order to decide the appeal on its own merits.

4. Mr. Patni, learned counsel for respondent no.1 has no objection to allow this application.

5. Without prejudice to the rights and interest of the insurance company and in order to decide civil application no. 10118 of 2010 on its own merits, it is necessary to allow this application.

ORDER

- (i) The application for review is hereby allowed.
- (ii) Civil application no. 10118 of 2010 in first appeal (stamp) no. 18428 of 2010 is restored to its original position to decide it on its own merits.
- (iii) The application for review is accordingly disposed of.
- (iv) List the matter on 06.04.2022.

**[SHRIKANT D. KULKARNI]
JUDGE**

S.P Rane