

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO.6171 OF 2018
IN FA/1276/2005

SUSHILA APPASAHEB WARALE AND ORS
VERSUS
NAINA S. MUTHA AND ORS

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Advocate for Applicants : Mr. Uday S Malte
Advocate for Respondent No.4: Mr. A.B. Gatne
Advocate for Respondent No.5 : Mr. S.G. Chapalgaonkar

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CORAM : SANDIPKUMAR. C. MORE, J.
DATED : 12th SEPTEMBER, 2022

PER COURT:-

1. Heard.
2. The applicants-original claimants are seeking setting aside the order dated 12.8.2008 whereby the appeal was dismissed against respondent No.1 truck owner, after a gap of approximately nine years. The learned counsel for respondents strongly opposed the application. However, in the interest of justice, the opportunity needs to be given to the applicants for serving respondent No.1.
3. In view of the same, the application is hereby allowed in terms of prayer clauses "B", "C" and "D" and the order of dismissal against respondent No.1 is hereby set aside.

(SANDIPKUMAR. C. MORE, J.)