

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO.3873 OF 2021
IN FAST/36431/2018

TARUNKUMAR RAMDAS SURYAWANSHI

VERSUS

BHUTAN SHARMA AND ANR

...

Advocate for Applicant : Mr M.M. Bhokarikar
AGP for Respondent No. 2 : Mr A.S. Usmanpurkar

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 11th JANUARY, 2022

PER COURT :

1. Leave to add prayer in the prayer clause para 5.
2. Heard Mr Bhokarikar, learned counsel for the applicant and Mr Usmanpurkar, learned counsel for respondent No. 2.
3. It is pointed out by Mr Usmanpurkar, learned counsel for respondent No. 2 that the application for condonation of delay came to be dismissed against respondent No.1 as per order passed by this Court dated 28th June, 2019. The applicant has not taken any steps to restore the application. Now, the applicant is seeking restoration of that application to the extent of respondent No.1 in the year 2022 by causing inordinate delay. That aspect needs to be considered.
4. On the other hand, Mr Bhokarikar, learned counsel for the applicant submits that due to Covid-19 pandemic, the applicant could not

take effective steps in respect of respondent No.1 against whom application for condonation of delay came to be dismissed.

5. That aspect would be considered while deciding the delay condonation application. As of now, I am concerned about the prayer for service to respondent No.1 by alternate mode of service. It is necessary to allow the prayer in respect of respondent No.1, who is owner of the vehicle and stated to be resident of West Bengal.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicant to file supporting affidavit along with the copy of newspaper regarding alternate mode of service in respect of respondent No.1.
- (iii) The Civil application is accordingly disposed of.
- (iv) The Appeal be listed on 08.03.2022.

[SHRIKANT D. KULKARNI, J.]

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