

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

**CIVIL APPLICATION NO. 13218 OF 2013
IN
FIRST APPEAL NO. 1103 OF 2010**

The New India Assurance Co. Ltd.,
Versus
Sou. Alka Ganesh Mankar
and others

....
Advocate for the applicant : Mr. M. M. Ambhore
Advocate for respondent Nos. 1 and 2 :
Mr. Y. R. Neb h/f Mr. A. B. Kale
...

**CORAM : S. G. DIGE, J.
DATE : 29.07.2022**

PER COURT :-

Heard learned counsel for the applicant.

2. Learned counsel for the applicant submits that this Court has issued notice against the respondents. The notices were served on respondent Nos. 1 and 2 except respondent No.3. Applicant could not take steps against respondent No.3 within stipulated time hence appeal against the respondent No.3 is dismissed. Learned counsel for the applicant submits that Advocate on record was not keeping well during that period and he forgot to take steps against respondent No.3.

Respondent No.3 is the owner of offending truck hence he is necessary party. He further submits that delay be condoned for filing this application.

3. Considering the submissions of learned counsel for the applicant and reasons mentioned in the application, application is allowed. The order passed by learned Registrar Judicial is quashed and set aside. Applicant to take steps within two weeks against respondent No.3.

4. Application is disposed of.

5. In view of disposal of this application Civil Application No. 10830 of 2020 is also disposed of.

6. Stand over to 23.08.2022.

**(S.G. DIGE,)
JUDGE**

ysk