

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

930 CIVIL APPLICATION NO.4904 OF 2021
IN FA/1311/2018

NEW INDIA INSURNACE CO.LTD
THR ITS DIV. MANAGER, AURANGABAD

VERSUS

SINDHUBAI SHRIRAM ROTE AND ORS.

...
Advocate for Applicant : Mr S.S. Dargad h/f Mr S.G. Chapalgaonkar
Advocate for Respondent Nos. 1 to 3 : Mr G.S. Rane

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 5th APRIL, 2022

PER COURT :

1. It is an application for restoration of appeal moved by the applicant/appellant.
2. Heard Mr S.S. Dargad holding for Mr S.G. Chapalgaonkar, learned counsel for the appellant and Mr G.S. Rane, learned counsel for respondent Nos. 1 to 3 i.e. original claimants.
3. Respondent Nos. 4 and 5 were remained to be served when appeal came to be dismissed.
4. In the interest of justice, it is necessary to call back the order passed earlier by this Court thereby resulting dismissal of the appeal.

ORDER

5. The application is hereby allowed as under :-
 - (i) The order dated 21.06.2019 passed by this Court is hereby recalled.

- (ii) The appeal is restored to its original position.
- (iii) The applicant/appellant is directed to serve respondent Nos. 4 and 5 by substituted mode of service i.e. paper publication in "Daily Hindi Milap" published in Karur, District - Tamil Nadu.
- (iv) The applicant to take necessary steps accordingly.
- (v) Stand over to 12.07.2022 for compliance.

(SHRIKANT D. KULKARNI, J.)

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