

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

42 FIRST APPEAL NO.60 OF 2003

SOW.NIRMALA BABULAL KHAIRAJANI AND ANR
VERSUS
M/S.C.NARSI ROADWAYS AND ORS

...

Advocate for Appellants : Mr. A. H. Kasliwal

Advocate for Respondent No.3 : Mr. S. V. Kulkarni

Advocate for Respondents : Mr. M. G. Kochar h/f Mr. N. R. warma

....

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 24/07/2023.

P. C. :

1. The learned counsel for the appellants brought on record order dated 15/01/2019 passed by this court directing the office to take note of present appeal being already decided by the division bench of this court on 10/01/2007 alongwith other connected appeal filed by the insurance company.

2. It appears from record that despite earlier dismissal of this appeal, it was again dismissed on 03/08/2009 without observing the earlier dismissal. Further, it appears that vide orders dated 28/08/2009 and 20/11/2009 this appeal was restored by setting aside the aforesaid order dated 03/08/2009. However, the fact remains that the present appeal had dismissed for default under the order dated 10/01/2007.

3. Today, the learned counsel for the appellants pointed out the order dated 15/01/2019 whereby this court had directed office to take note of the disposal of the this appeal under order dated 10/01/2007. However, this court had in fact recalled the earlier order dated 15/01/2019 by passing subsequent order dated

07/03/2019 and the appeal was again restored for final hearing. However, today the learned counsel for the appellants made a statement that this appeal can be disposed of in view of earlier order dated 10/01/2007 whereby this appeal was dismissed for default. As such, the present appeal stands disposed of as already dismissed under the aforesaid order.

4. Pending civil applications, if any, also stand disposed of.

(SANDIPKUMAR C. MORE, J.)