

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

**CIVIL APPLICATION NO. 7360 OF 2023
IN FA/2665/2015**

The New India Assurance Co. Ltd.
Through its authorized signatory

.. Applicant

Versus

Sangita Balwantrao Sonawane and others

.. Respondents

Mr. Dhananjay P. Deshpande, Advocate for the Applicant.
Smt. S. T. Kazi, Advocate for Respondent Nos. 1 to 5.

CORAM : KISHORE C. SANT, J.

DATED : 30th AUGUST, 2023.

P C. :-

. The present application is for restoration of appeal as against respondent No. 6 who happens to be owner of vehicle involved in accident. He was served on the address given in the appeal memo in the proceeding before the learned Trial Court. The notice issued in the appeal is returned unserved with the remark that he is not residing on the said address. The Registrar (Judicial) by order dated 21.02.2023 was pleased to dismiss the appeal as against respondent No. 6 for want of prosecution.

2. Learned advocate for the applicant submits that, since the notice was returned unserved for want of correct address the applicant was trying to get the correct address and for that process some time spent.

Now in spite of the efforts the present address could not be gathered of respondent No. 6 and therefore, now prayer is made for issuance of notice by way of publication in newspaper.

3. Considering the above, the following order is passed.
4. The civil application stands allowed.
5. Delay of Eighteen (18) days is condoned.
6. The order dated 21.02.2023 passed by the Registrar (Judicial) of this Court is set aside. The appeal stands restored to its original position.
7. After restoration of appeal, office to give notice for paper publication to the applicant, returnable on 11.10.2023. The applicant to publish the notice in the newspaper namely "Daily Hindi Milap, Nizambad Edition" at least two (02) weeks prior to next date.
8. The civil application stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.