

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

909 CIVIL APPLICATION NO.733 OF 2023
IN FA/491/2014

THE NEW INDIA ASSURANCE CO. LTD., THR ITS DIVISIONAL
MANAGER, AURANGABAD
VERSUS
YELLAPPA KHANDU KALE AND OTHERS

...
Advocate for Applicant : Mr. Kanade Arun G.
Advocate for Respondent No.1 :Mr. S.S. Wakure

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 19th January, 2023

ORDER:

1. Heard learned counsel for the applicant-insurance company who is seeking restoration of appeal against respondent No.3-owner of the offending vehicle since it was dismissed against him due to non service under order dated 14.06.2022 passed by the learned Registrar (Judicial) of this Court. The learned counsel for the applicant now submits that he is ready to serve respondent no.3 through paper publication.

2. As such, the delay of 182 caused in filing this application for restoration stands condoned and the order dated 14.06.2022 whereby the appeal was dismissed against respondent No.3 is recalled. The applicant insurance company

is permitted to serve the respondent no.3 on restoration of appeal against him by way of paper publication subject to payment of necessary charges directly to the concerned news paper as mentioned in prayer clause (C) .

3. The application is disposed of.

(SANDIPKUMAR C. MORE, J.)

JPChavan