



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

**947 CIVIL APPLICATION NO. 13560 OF 2023
IN FA/458/2007**

**AVINASH BHAGWANDAS ZANWAR (DIED) THR LRS. AMITA
AVINASH ZANWAR**

VERSUS

SK SALIM SK AJIMODDIN AND ORS

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Advocate for Applicant : Mr. Amol Khedkar
Advocate for Respondents No.1&2 : Mr. Shahed Zaidi
Advocate for Respondent No.3 : Mr.V. N. Upadhye

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**WITH
CIVIL APPLICATION NO. 13559 OF 2023
IN FA/458/2007**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06th MARCH, 2024

PER COURT:

1. Heard.
2. It appears that the appeal after admission was dismissed against respondents no.1 and 2 as per the Registrar's Court order dated 04.08.2009. Thereafter, the appeal was dismissed in default in the year 2013. This court by order dated 15.09.2023 restored the appeal. However, the earlier order dated 04.08.2009, passed by the Registrar, dismissing the appeal against respondents no.1 and 2 was not re-called.

In view of the same, the present application is filed for re-calling of the order of the Registrar dated 04.08.2009, restoring the appeal against respondents no.1 and 2. Notices were issued in the application. The learned counsel appears for respondents no.1 and 2 and opposed the application for restoration of the appeal against respondents no.1 and 2. However, since the appeal is already restored and the insurance company has to ultimately pay the compensation in the event the appeal is allowed, no prejudice would be caused to respondents no.1 and 2, in the event, the restoration application is allowed. As such, the order passed by the Registrar dated 04.08.2009 is set aside. The appeal will stand restored against respondents no.1 and 2 also. The order of the Registrar dated 04.08.2009 is quashed and set aside in the present appeal. The restoration is subject to the conditional order dated 15.09.2023 of this court.

3. The civil application No.13560 of 2023 stands disposed of.

[ARUN R. PEDNEKER, J.]

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