

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11743 OF 2024
IN
FIRST APPEAL NO.688 OF 2023
WITH
FIRST APPEAL NO.688 OF 2023

Raminder Ramlochan Sharma ... Appellant/Applicant
vs.
Manish Atmaram Thale and anr. ... Respondents

None for the Appellant/Applicant.

Mr. Nikhil Mehta i/by M/s KMC Legal Venture, Advocate for Respondent No.2.
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CORAM : S. M. MODAK, J.
DATE : 10th OCTOBER 2024

P. C. :-

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1. No one is present on behalf of the Appellant/ Applicant.
2. As per the conditional order dated 23rd January, 2024, the appeal was dismissed for not bringing the heirs of deceased Respondent No.1.

He was the owner of the offending vehicle-dumper.

3. I have gone through the issues framed by the Tribunal on page 12. They relate to negligence of the driver of the dumper, negligence of the deceased- motor cyclist and territorial jurisdiction. There is no statutory defence. As such, his presence is not required, even he has not appeared before the Tribunal.

4. In view of the above facts, the application for condonation of delay and restoration against Respondent No.1 is allowed in terms of prayer clauses (a) and (b).

5. Interim Application is disposed of.

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6. For the reasons stated above, for presence of Respondent No. 1- owner of the offending vehicle is dispensed.

7. After appearance, if the Respondent No.2 -Insurance Company will show that his presence is required, this order can be reconsidered. Notice is already waived.

8. Heard Mr. Nikhil Mehta, learned Advocate for Respondent No.2.

9. Copy of the appeal memo be served on Mr. Mehta.
10. Stand over to **29th November, 2024.**

[S. M. MODAK, J.]