



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CIVIL APPLICATION NO. 11904 OF 2019
IN FAST/27527/2019

BABAN SHESHERAO SHINDE
VERSUS
BACHU KHAN S/O SHUME KHAN AND ANR

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Advocate for Applicant : Mr. Shelke Manoj U.
Advocate for Respondent No.2 : Mr. Usmanpurkar A. S.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 15.10.2025

PER COURT :-

1. Heard both sides.
2. Though respondent No.1 is unserved still necessary orders can be passed. Respondent No.2 is a insurance company which is served. Respondent No.1 is owner of the vehicle. He is unable to be served on the address which was taken from the record of lower court. In the Tribunal also, he was *ex-parte*. In the absence of any intimation by him for change of address, no blame can be attributed to the applicant.
3. I have gone through the contents of the application which are not controverted. There are no malafides on the part of the applicant. Respondent/insurance company opposes the application.

4. For the reasons stated in the application, delay stands condoned on the condition that applicant shall not be entitled to interest for the delayed period in case appeal is allowed on merits. Civil application for delay is allowed.

First Appeal

5. Issue notice to the respondents, returnable on 10.12.2025.

6. Learned counsel Mr. Usmanpurkar waives service of notice for respondent No.2.

7. The notice of respondent No.1 shall be served by substituted mode of service.

8. Call for Record and Proceedings from the concerned Court.

(SHAILESH P. BRAHME, J.)

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vmk/-