



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

**18 CIVIL APPLICATION NO. 11942 OF 2025  
IN FA/300/2019**

**THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED  
SIGNATORY, AURANGABAD**

.....Petitioner

**VERSUS**

**VIJAY BHARAT AUTE AND ORS**

.....Respondent

Mr. Mohit R. Deshmukh, Advocate for the petitioner

Mr. V. A. Patil, Advocate h/f Mr. S. B. Choudhari, Advocate for the  
respondent No.1

Mr. V. P. Savant, Advocate for the respondent Nos. 5 & 6

**CORAM : ABHAY J. MANTRI, J.**

**DATE : 10<sup>th</sup> NOVEMBER, 2025**

**PER COURT :**

1. The applicant/appellant has moved this application for condoning the delay caused in filing the civil application for restoration of the appeal against respondent No. 2 and also for restoration of the appeal against him, for which the learned advocates for the respondent Nos. 1, 5 & 6 have given no objections.

2. Despite service of notice on respondent No. 4, none appeared for it.

3. Perusal of the record, it seems that for non-compliance with the order dated 27-03-2019, the appeal was dismissed against respondent No. 2.

4. Considering the reasons disclosed in the application, I deemed it appropriate to allow the application as prayed. As a result, the application is allowed. The delay in preferring the application for restoration of the appeal against respondent No. 2 is condoned, and the appeal is restored against respondent No. 2.

5. The learned advocate for the appellant also submitted that notice be permitted to serve on respondent No. 2 through the paper publication in the daily newspaper, namely '*Punyanagari*'. However, I do not find substance in his contention that the notice should be served through the daily newspaper, namely '*Punyanagari*'. Instead of that, the appellant/applicant is directed to serve the notice on respondent No.2 through the widely circulated daily newspaper, namely "*Lokmat*". The appellant is directed to produce a copy of the publication of notice in the court on or before 20-11-2025.

6. List the appeal on 01-12-2025.

**[ABHAY J. MANTRI, J. ]**