



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 2690 OF 2025 IN
FIRST APPEAL NO.159 OF 2010

United India Insurance Company

..vs..

Kusumbai Pralhadrao Charthal and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.R. Johrapurkar, Advocate for the appellant/applicant.

CORAM: PRAVIN S. PATIL, J.
DATED : 25/09/2025.

Heard.

2. By this application, the applicant is seeking condonation of 3711 days in filing the restoration application of the appeal.

3. It is pointed out by the applicant that the notice was duly served on respondent no. 2 and thereafter, the appeal was admitted on 03.05.2010. After admitting the appeal, notices issued to respondent no.2 received back unserved as he was not residing on the given address. The present appellant failed to take necessary steps in the matter when the matter was listed before the Registrar (Judicial). Accordingly, the appeal was dismissed against respondent no.2 vide order dated 28.04.2015.

4. It is the submission of the appellant that as the notices were duly served before admitting the matter, inadvertently after the appeal was admitted, he was under wrong presumption that there is no need to again serve the notice on respondent no.2.

5. However later on, it came to the notice of the

appellant when this matter was listed on 14.07.2025, that due to not providing correct address of respondent no.2, the appeal is dismissed by the order of Registrar (Judicial).

6. Considering the reasons stated in the application, the application is allowed. Delay stands condoned.

Civil Application No. 2689 of 2025

7. Heard.

8. By this application, the applicant is seeking restoration of the appeal against respondent no.2, which was dismissed in default for want of address.

9. The applicant states that he is ready to take necessary steps to serve the respondent no.2 by alternative mode of service. In that regard he has made a statement in the application.

10. Hence, for the reasons stated in the application, the application is allowed. The appeal is restore against respondent no.2.

11. The application stands disposed of accordingly.

First Appeal No.159 of 2010

12. Heard.

13. Issue fresh notice to respondent no. 2.

14. The appellant is permitted to serve respondent no. 2 by all permissible modes as per the rules including by way of paper publication, returnable after three weeks.

(PRAVIN S. PATIL, J.)