

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 132 of 1999

Appellant :- The New India Assurance Co. Ltd.

Respondent :- Shri Bhagwat And Others

Counsel for Appellant :- Vinod Swarup, K.S. Amist

Counsel for Respondent :- M.A. Siddiqui

Hon'ble Saral Srivastava, J.

1. In this case, the main contention of learned counsel for the appellant is that the policy of insurance company was a fake. However, Order-sheet reveals that this Court on 07.01.2019 directed to learned counsel for the appellant to take steps for service of notice upon respondents No.3 to 5.

2. Office Report dated 22.04.2019 indicates that no steps were taken for service of notice upon respondents No.3 to 5.

3. Subsequently, on 02.08.2019, this Court again granted two weeks further time to appellant to take steps for service of notice upon respondents No.3 to 5. However, Office Report dated 28.08.2019 reveals that steps has not been taken for service of notice upon respondents No.3 to 5.

4. Since, the appeal is of the year 1999 and despite this Court has granted sufficient time to learned counsel for the appellant to take steps for service of notice upon respondents No.3 to 5 but he did not take steps for service of notice upon respondents No.3 to 5.

5. The respondents No.3 to 5 are owner of the offending vehicle and in case the appeal is allowed, the liability would shift upon them.

6. Since, the learned counsel for the appellant has not taken steps for service of notice upon respondents No.3 to 5, therefore, the appeal is **dismissed** for want of steps.

Order Date :- 26.10.2023

SS