

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 815 OF 2009
IN
FIRST APPEAL (ST) NO. 2499 OF 2009

National Insurance Co. Ltd
V/S.

.....Applicant

Arvind Balkrishna Loya & Ors.

.....Respondents

* * * * *

Mr. Sandesh Deshpande, Advocate for the applicant.

Ms. R.S. Chahal, Advocate for respondents no.1 and 2.

Mr. Rahul Mehta i/by. KMC Legal Venture, Advocate for respondent no.5.

Coram :- Smt. R.P. SondurBaldota, J.

18th March, 2016.

P.C. :-

1). This application is for condonation of delay of 132 days in filing the present appeal. The application was filed on 22nd January, 2009. It has been served upon respondent no.1 but remains unserved upon respondent no.2, the owner of the vehicle in question, till date. Mr. Deshpande, the learned Advocate appearing for the applicant submits that, the applicant had difficulties in serving the proceedings upon him because respondent no.3 is a resident of State of Punjab. The excuse

given is without merit. In such circumstances, the law provides for substituted service of the notice by publication in local newspaper. The applicant has clearly abused the process of law by filing appeal against the Award, obtaining interim stay of execution of the Award and not taking any steps for disposal of the application for condonation of delay for seven years. Therefore, the Civil Application is dismissed.

2). In view of dismissal of the Civil Application, First Appeal (St) No. 2499 of 2009 and First Appeal (St) No. 816 of 2009 do not survive. The same are accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)