

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 813 OF 2009
(FOR CONDONATION OF DELAY)
IN
FIRST APPEAL (ST) NO. 2505 OF 2009

National Insurance Co. LtdApplicant
V/S.
1. Arvind S/o. Balkrishna Loya & Ors.Respondents

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Mr. Sandesh Deshpande, Advocate for the applicant

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

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

18th March, 2016.

P.C. :-

1). This application is for condonation of delay of 140 days in filing the present appeal. The application was filed on 22nd January, 2009. It is served upon respondent no.1 but remains unserved upon respondent no.3 till date. Respondent no.3 is the owner of the vehicle in question. 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. 2505 of 2009 and Civil Application No. 814 of 2009 do not survive. The same are accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)