

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 723 OF 2016
IN
FIRST APPEAL NO. 1272 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S. M. Dange for the applicant.

**CORAM : K. K. TATED, J.
DATED : 26/02/2016**

PC.:

. Heard learned Counsel for the applicant.

2 This application is preferred by Insurance Company for restoration of First Appeal No. 1272 of 2012 which was dismissed against Respondent No.1 claimant in view of conditional order dated 03.12.2014 passed by the learned Registrar (Judicial-II) for not taking appropriate steps for service.

3 The learned counsel for the applicant submits that they tried to find out the present correct address of Respondent no.1, but nobody is in a position to give present correct address of Respondent No.1 Hence, applicant prayed for publication as per Order V Rule 20 of Code of Civil Procedure, 1908.

4 The learned counsel for the applicant submits

that inadvertently it remained on their part to take appropriate steps. He submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the present Civil Application and restore the matter against Respondent No.1.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and applicant wants to serve the Respondent No.1 by publication as per Order V Rule 20 of Code of Civil Procedure, 1908, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, applicant to pay cost of Rs.1000/-.

6 Hence, the following order:

a) Delay in preferring the Civil Application is condoned.

b) Order dated 03.12.2014 passed by the learned Registrar (Judicial-II) is set aside.

c) First Appeal No. 1272 of 2012 is restored against Respondent No.1.

d) Applicant is permitted to serve the Respondent No.1 by publication in newspaper as per Order V Rule 20 of Code of Civil Procedure, 1908 within sixteen weeks from today.

e) Applicant to pay cost of Rs.1000/-. Cost to be deposited in the office of the Maharashtra

State Legal Services Authority, High Court, Bombay, within two weeks from today, failing which the matter shall stand dismissed without further reference to the court.

f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)