

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

**CIVIL APPLICATION NO.1252 OF 2010
IN
FIRST APPEAL (ST). NO.7915 OF 2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.S.R.Agarkar i/b Mr.U.B.Nighot for the applicant

CORAM : K. K. TATED, J.

DATED : 12/02/2016

PC.:

. Heard.

2 This application is preferred by org.claimant for condonation of 64 days delay in filing First Appeal challenging the judgment and award dated 30.9.2009 passed by MACT, Baramati in MACP No.106 of 2006.

3 The learned counsel for the applicant submits that initially he preferred Civil Application No.2734 of 2015 for substitute service on respondent no.1 with following prayers:

“That this Hon'ble Court be pleased to allow the applicant to serve respondent no.1 by substituted service by Public Notice to be published in Local Marathi Daily News Paper circulated in and around Thane District i.e. Sanmitra.”

4 The learned counsel for the applicant submits that when the applicant tried to publication notice in the newspaper known as Sanmitra, he found that the same was closed. Therefore, the applicant published notice in newspaper known as “Thane Vaibhav” dated 5.12.2015. Same be treated as good service. Applicant undertakes to file affidavit of service to that effect within one week from today. Statement is accepted.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Notice published in newspaper “Thane Vaibhav” be treated as good service.
- b) Delay of 64 days in filing Civil Application is condoned.
- c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)