

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION STAMP NO.15905 OF 2016

IN

FIRST APPEAL NO.300 OF 2013

The New India Assurance Co. Ltd.

.. Applicant/Appellant

Versus

Smt. Sunita Kumari Rooplal

Sharma @ Pandit and another

.. Respondents

Mr. D. R. Mahadik for the Applicant/Appellant.

Mr. V. M. Parkar for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 13th JUNE 2016

PC.

1. Not on board. Taken on board.

2. The above Civil Application has been filed giving the present address of the Respondent No.2 who has been unserved. It is the case of the Applicant/Appellant that the said address has been obtained through its investigator. The said address is mentioned in paragraph 3 of the Civil Application. The Learned Counsel appearing on behalf of the Respondent No.1 i.e. the Claimaint Mr. V. M. Parkar has no objection to the Civil Application being allowed as it is his case that on account of the

Respondent No.2 not being served, the Application for withdrawal filed by the Respondent No.1 is unnecessarily pending. The above Civil Application is accordingly allowed. Resultantly, the Applicant/Appellant is allowed to amend the First Appeal and the Civil Application for condonation of delay, the same to be carried out within one week from date. The Civil Application is accordingly disposed of.

3. Issue notice to the Respondent No.2 at the new address both in the Civil Application and the First Appeal returnable on 11.07.2016. In addition to service of notice through Court, the advocate for the Applicant/Appellant shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

[R.M. SAVANT, J]