

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3588 OF 2016
IN
FIRST APPEAL (STAMP) NO.17677 OF 2015

Reliance General Insurance Co. Ltd., Mumbai. Applicant
V/s.
Neha Nitin Khairnar & Ors. Respondents

Ms. Deepa Motagi, i/by M/s. Res Juris, for the Applicant.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 1ST SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the applicant-Insurance Company.
2. This is an application for restoration of Civil Application No.2361 of 2015, which was filed seeking condonation of delay in filing First Appeal. However, the said Civil Application No.2361 of 2015 came to be dismissed as against unserved respondent No.5 by the conditional order dated 14th January 2016 passed by the Registrar (Judicial-II) of this Court. The said Civil Application No.2361 of 2015 came to be dismissed as against respondent No.5 for failure of the applicant-insurance Company to take steps to serve respondent No.5.

3. In view thereof, for the reasons stated in paragraph No.4 of the present Civil Application, it is allowed in terms of prayer clauses (a) and (b), with no order as to costs.

4. Applicant-Insurance Company to take necessary steps for service of notice on respondent No.5, without fail, within a period of two weeks from today, failing which the Civil Application No.2361 of 2015 will automatically stand dismissed again.

5. On the applicant taking necessary steps, the Registry is directed to issue notice to respondent No.5 in Civil Application No.2361 of 2015, returnable on 6th October 2016.

6. Civil Application stands disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]