

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2880 OF 2015

IN

FIRST APPEAL (ST) NO. 21480 OF 2015

The National Insurance Co. Ltd

.....Appellant
(Respondent no.2)

V/s.

1. Siratun Begum Shah Jahan Shaikh & Ors.

.....Respondents

* * * * *

Ms. Urmila Sanil, Advocate for the applicant.

Mr. V.M. Parkar, Advocate for respondents no.1 to 4.

Mr. Sham Walve i/by. AKS Legal Consultant, Advocate for respondent no.5.

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

1st April, 2016.

P.C. :-

1). The Civil Application for condonation of delay in filing the First Appeal. It has been placed on the board today for dismissal on account of non-service upon respondent no.6. Ms. Sanil, the learned Advocate appearing for the applicant refers to the note by the office on the board about the order dated 26th November, 2015 by Registrar, Judicial-II calling for explanation from the concerned bailiff of the Small Causes

Court regarding service upon respondent no.6 stating that she is not aware of the reason for calling the explanation. Mr. Parkar, the learned Advocate appearing for respondents no.1 to 4, points out that the applicant has been thoroughly negligent in attending to the matter. He produces copy of the order dated 26th November, 2015 by the Registrar, Judicial-II stating in clear terms the reason for seeking explanation. The order also issues fresh notice to respondent no.6 made returnable after 6 weeks. The 6 weeks expired long back and no steps have been taken by the applicant to serve respondent n.6. The Civil Application is therefore liable to be dismissed against respondent no.6.

2). With dismissal of the civil application against respondent no.6, the same cannot survive against the other respondents because the applicant, insurance company is the indemnifier for respondents no.5 and 6. Hence, the civil application is dismissed.

(SMT. R.P. SONDURBALDOTA, J)