

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

**CIVIL APPLICATION NO.3573 OF 2014
IN
FIRST APPEAL NO.1669 OF 2012**

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.S.Jinsiwale for the applicant

Mr.Ashutosh Gawnekar i/b Mr.Mihir Raje and
Mr.Shreyas Adyanthaya for the respondent
no.1

CORAM : K.K.TATED, J.
DATED : 11/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for restoration of First Appeal No.1669 of 2012 which stands dismissed in view of conditional order dated 7.4.2014 passed by learned Registrar (Judicial-II).
- 3 The learned counsel for the applicant submits that they tried to serve respondent no.2 at the address mentioned before the Trial Court's proceeding. He submits that notice issued to respondent no.2 returned unserved. He tried to find out his present correct address but no one was

in a position to provide present correct address. Hence, applicant may be permitted to serve respondent no.2 by substitute service as per Order 5 Rule 20 of the Code of Civil Procedure, 1908 by publication in newspaper.

4 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) Delay in preferring Civil Application is condoned.
- b) Order dated 7.4.2014 passed by learned Registrar (Judicial-II) is set aside.
- c) First Appeal No.1669 of 2012 is restored on file against respondent no.2.
- d) Applicant is permitted to serve respondent no.2 by publication in the Marathi language daily Newspaper Navshakti and English language Newspaper Free Press Journal within 12 weeks from today.
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)