

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2246 OF 2015
IN
FIRST APPEAL NO.955 OF 2012

Smt. Bhagyashree Vijay Jadhav and ors Applicants
V/s.
Mukesh M. Warudkar and ors Respondents

Mr. A. M. Gokhale, for the Appellant.
Mr. R.K. Vheulkar, for the Respondent No.2.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER, 2016.

P.C. :

1. This application is filed for dispensing the service of notice on respondent No.1. The notice issued to respondent No.1 is returned with bailiff remark that respondent No.1 was not found at the time of service, hence notice was pasted on the door of the house of respondent No.1, in the presence of his wife. Such service of notice being valid and sufficient under Order V Rule 17 of the Code of Civil Procedure, this application for dispensing with service of notice on respondent No.1 is allowed.
2. Appeal to proceed exparte against respondent No.1 as he is not appearing despite due and valid service of notice.
3. Learned counsel for appellant submits that this appeal is filed

for enhancement of compensation amount; whereas the Insurance Company has not filed any appeal against the impugned judgment and award of the trial Court. In view, thereof, as appeal raises short question for consideration, it is fixed for final hearing at the stage of admission itself.

4. Learned counsel for appellant undertakes to file private paper book within 8 weeks.

5. Appeal be listed for hearing after paper book is filed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]