

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1017 OF 2013
WITH
CIVIL APPLICATIN NO.297 OF 2010
WITH
CIVIL APPLICATIN NO.43 OF 2016

The New India Assurance Company Limited ... Appellant

vs.

Kashinath Laxman Shivkar and Others ... Respondents

Mr. R.K. Cheulkar, for the Appellant.

Mr. T.J. Mendon, for Respondent Nos. 1 to 4.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **8th JANUARY, 2016**

P.C.:

. The learned counsel for the Appellant submits that the Appeal of the Insurance Company is dismissed against Respondent No. 5 i.e. the owner of the vehicle as he remained unserved. He submits that he is ready to serve Respondent No. 5 and he has also taken out the publication. In view of this he submits that the order dated 27th March, 2015 is to be set aside.

2. The learned counsel for the original claimant is present.
3. The order dated 27th March, 2015 is hereby set aside.
4. In view of this, the Appeal is restored against Respondent No. 5 along with the stay application.
5. The Appellant to serve Respondent No. 5 by way of publication returnable after eight weeks.
6. Accordingly, the Civil Application No. 43 of 2016 stands disposed of.
7. Stand over to 4th March, 2016.

(MRS.MRIDULA BHATKAR, J.)