

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO. 8318 OF 2014
IN FAST/22406/2008

SMT. KARUNA SANDIP RAWALE
VERSUS
UNITED INDIA ASSURANCE CO. LTD. DHULE AND ANOTHER

...
Advocate for Applicants : Mr. Nitin B. Suryawanshi
AGP for Respondents: Mr. S.S. Dande

CORAM : K.K. SONAWANE, J.

DATE : 17th November, 2017.

PER COURT:

Heard learned counsel for the applicant. Perused the application. The matter pertains to compensation under the Motor Vehicle Act. This Court, under order dated 12.9.2013, directed the appellant to take steps against the respondent No.2 who is the owner of the offending vehicle but the appellant did not take any steps and accordingly, the appeal came to be dismissed against respondent No.2.

According to the applicant, the act of not taking steps was not intentional and deliberate but due to unavoidable circumstances and about lack of knowledge.

In view of nature of subject matter, I find that reasonable opportunity is essential to be granted to the applicant for service of notice to respondent No.2, who is the owner of the offending vehicle, through paper publication. Hence, the application stands allowed in terms of prayer clause (A). Order of dismissal against respondent No.2 for not taking steps is hereby set aside and quashed by condoning delay for the same. Matter be restored against respondent No.2 at its original stage. Applicants are

permitted to serve the notice to respondent No.2 through paper publication in daily news paper Lokmat as mentioned in prayer clause (A). Issue notice to Respondent No.2 returnable on 19th January, 2018.

Civil application is accordingly disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-