

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

957 CIVIL APPLICATION NO. 9347 OF 2010
IN FAST/18075/2008 WITH CA/10309/2008 IN FAST/18075/2008
WITH CA/10310/2008 IN FAST/18075/2008

NATIONAL INSURANCE CO LTD.
VERSUS
MANNABEG HOORBEG MIRZA

...
Advocate for Applicant : Mr. P. P. Bafna

...

CORAM : K.K. SONAWANE, J.

DATED : 3rd NOVEMBER, 2017.

Order :-

Heard learned counsel for the applicant. Despite service of notice to respondent Nos. 1 to 5, 6 and 7 and no one else appeared on their behalf. First Appeal Stamp No. 180175 of 2008 filed against impugned judgment and award passed by the learned Tribunal, for compensation under section 140 of the Motor Vehicles Act i.e. "*No fault Liability*". Proceedings of appeal came to be dismissed against respondent No. 5 for want of steps to be taken by appellant within a stipulated period. Therefore, present application is filed for setting aside the impugned order of dismissal of the appeal against respondent No.5 with prayer to serve the notice to him through paper publication.

02. In view of attending circumstances and for the reasons mentioned in the application, I do not find any impediment to nod in favour of applicant. A reasonable opportunity is essential to be given to the applicant -Insurance Company for redressal of its grievance.

Hence, application stands allowed in terms of prayer clauses 'A' and 'B'. The impugned order of dismissal of the appeal against respondent No. 5 is hereby set aside. The applicant-appellant is hereby allowed to serve notice to respondent No. 5 through paper publication as prayed for. Registry to take the requisite steps for further process to facilitate the applicant to publish the notice to be served to respondent No.5 in Daily newspaper 'Lokmat', published from Mumbai. Notice returnable on 12th December, 2017.

3. Civil Application stands disposed of accordingly.

[K. K. SONAWANE]
JUDGE

mtk.