

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

CIVIL APPLICATION NO. 12050 OF 2012
IN FA/1595/2010

THE NEW INDIA ASSURANCE CO LTD AND ANOTHER
VERSUS
PRABHAWATI UTTAM MORE AND OTHERS

...
Advocate for Applicants : Mr. V. R. Mundada.
...

CORAM : K.K. SONAWANE, J.

DATED : 21ST NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant- New India Assurance Company. Perused application. It appears that, the appellant- Insurance Company preferred appeal against respondents (original claimants) and owner of offending vehicle. The notice was issued to the respondents, but it could not serve to the owner of offending vehicle for want of forwarding correct address. Therefore, no steps were taken against the respondent No. 4. Consequently, appeal was dismissed against respondent No.4 as per Order of Registrar dated 28-08-2012.

2. According to learned counsel, respondent No.4 i.e. owner of offending vehicle is necessary party in this matter. The steps were not taken due to lack of his correct address. However, appellant is intending to serve the notice to respondent No.3 through paper publication. Therefore, he requested to set-aside and quashed the order of dismissal by learned Registrar dated 28-08-2012 and appeal be restored at it's original stage. The appellant may be permitted to serve the notice to respondent No.4 through paper publication in daily news paper Punyanagari having wide circulation in the area of District Nanded.

3. In view of aforesaid submission, there is no impediment to allow the application. Accordingly, impugned order of dismissal of the appeal dated 28-08-2012 is hereby set-aside and quashed. The delay of 7 days caused for the same is hereby condoned. The appellant is hereby permitted to serve the notice to owner of impugned offending vehicle i.e. respondent No.4 Satish Narayan Kulkarni, r/o. Krantichowk, CIDCO, New Nanded, Taluka and District Nanded, through paper publication as per clause 'C' of the application.

4. In above terms the civil application stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.