

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.191 OF 2017

28 CIVIL APPLICATION NO. 191 OF 2017

IN
FAST/37878/2016

UNITED INDIA INSURANCE COMPANY LTD MANSINGH MARKET
JALGAON THROUGH ITS AUTHORIZED SIGNATORY, AURANGABAD.
VERSUS
LATABAI RAJENDRA PATIL AND OTHERS

...
Advocate for Applicant : Mr.Chapalgaonkar S.G.
Mr.Patil Vijay B., Adv., for respondent nos. 1 to 4.

...
CORAM : P.R. BORA, J.
Dated: June 05, 2017

...
PER COURT :-

1. Heard learned Counsel appearing for the applicant and learned Counsel appearing for respondent nos. 1 to 4. Respondent no.5, who is the owner of the vehicle involved in the alleged accident, is yet to be served. Respondent no.5 could not be served on the given address and the report received indicates that he is not presently residing on the given address. Learned Counsel for the appellant submits that before the Tribunal, respondent no.5 was served on the same address and has appeared in the proceedings. Learned Counsel submits that since the address of respondent no.5 could not be traced, the only remedy available for the appellant is to serve the said respondent by public notice.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.191 OF 2017

2. Having regard to the fact that the delay caused is only of four days, I do not see any difficulty in condoning the said delay though respondent no.5 is not yet served. The delay is condoned. Civil Application for condonation of delay is disposed of. Resultantly, the Appeal be registered in accordance with law.

3. On registration of the appeal, issue notice to the respondents in the appeal returnable after four weeks. S.O. to 3.7.2017 in the appeal. Shri V.B.Patil, learned Counsel, waives service for respondent nos. 1 to 4 in the appeal. Applicant / Appellant is permitted to serve respondent no.5 by way of public notice, to be published in the newspaper widely circulated in the area wherein respondent no.5 is stated to be lastly residing. It be indicated in the notice that appeal may be disposed of finally at admission stage.

4. R. & P. be called for.

(P.R. BORA, J.)

...