

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 935 OF 2017  
IN  
FIRST APPEAL (ST) NO. 14832 OF 2016**

The New India Assurance Co.Ltd. ...Applicant/Appellant.

vs

Smt.Ushakumari Brijkumar Yadav & Ors. ...Respondents.

.....

Mr Himanshu Takkar i/b M.V.More for the applicant/appellant.

Mr RameshChavanke a/w Mr S.S.Kothiyar for Respondent Nos.1 to 3.

.....

**CORAM : M. S. SONAK, J  
APRIL 04, 2017**

**P.C. :**

1           Heard Mr Takke, learned counsel for the applicant/appellant. He submits that Respondent No.4 was served, since the notice returned with the remark “**unclaimed**”. He submits that in the facts and circumstances of the present case, such a service is a good service. Respondent No.4 in this case, is the owner of the vehicle. Record indicates that Respondent No.4 had not even appeared before the M.A.C.T. In these circumstances, it can be held that there was good service upon Respondent No.4.

2           The order dated 17<sup>th</sup> January, 2017 dismissing the appeal against Respondent No.4 is recalled and the Appeal and the Civil Applications are restored as against Respondent No.4.

**( M. S. SONAK, J. )**