

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3856 OF 2002
IN
FIRST APPEAL (STAMP) NO. 34096 OF 2002
WITH
CIVIL APPLICATION NO. 3857 OF 2002
IN
FIRST APPEAL (STAMP) NO. 34096 OF 2002

Oriental Insurance Co. Ltd. .. Appellant
vs.
Rohidas Dagdu Bhagat & Ors. .. Respondents

Mr. A. S. Vidyarthi with Divya Menon i/b. S. M. Vidyarthi for
Applicant / Appellant.
Mr. T. J. Mendon for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 10 JANUARY 2017

P.C :

1] On 11 October 2002, this court made the following order:

“Notice to respondents, returnable on 2.12.2002.

Meanwhile the execution of the impugned award is stayed subject to the applicant depositing the decretal amount excluding the amount already deposited within a period of six weeks before the Tribunal. On such deposit being made, the amount shall be invested in any nationalized bank initially for a period of one year and shall be kept so invested till further orders. Liberty to the respondent to move for modification of this order for justifiable reason, if any.”

2] Learned counsel for the respondent no.1 states that according to his knowledge, the decretal amount has been deposited with the concerned MACT.

3] Despite several opportunities, there is a issue of service upon some of the respondents. On 11 January 2011 fresh notice was ordered upon respondent nos. 2 to 4. Till date, no service is effected upon respondent nos. 2 to 4.

4] Finally and subject to payment of costs of Rs.10,000/- (Rupees Ten Thousand), an opportunity is granted to the appellant to effect service upon respondent nos. 2 to 4. The costs to be paid to the respondent no. 1 within a period of two weeks from today. Service is to be affected upon respondent nos. 2 to 4 within a period of four weeks from today. In addition to the usual mode of service, private service is also permitted. Appellant to file affidavit of service. If this is not done, the civil application and consequently the appeal to stand dismissed for non prosecution.

5] Stand over to 7 February 2017.

(M. S. SONAK, J.)