

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3913 OF 2002
AND
CIVIL APPLICATION NO. 3914 OF 2002
IN
FIRST APPEAL (ST). NO. 21959 OF 2002

Oriental Insurance Co. Ltd. .. Appellants
vs.
Ibrahim Abdul Rahiman Dhature and ors. .. Respondents

Ms Divya Menon i/b S.M. Vidyarthi for the Applicants-Appellants.
Mr. D.R. Mahadik for Respondent No.9.

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

P.C. :-

1] There is delay of 126 days in institution of the appeal. The appeal is against the award made by the MACT awarding Rs.25,000/- against no fault liability. The notice was ordered to the respondents on 11 October 2002. From that date onwards, no effective steps have been taken to serve the respondents. Service is only effected on respondent No.9, which is yet another Insurance Company and therefore, not really a relevant party insofar as this appeal is concerned.

2] Considering that for the last 14 years, no proper steps have been taken to effect service upon the contesting respondents and the challenge is only against the award of an amount of Rs.25,000/- on the basis of no fault liability, there is no reason to further adjourn this matter. Accordingly, the civil application seeking condonation of delay and consequently, the appeal itself is dismissed for non-

prosecution.

3] The civil application for stay does not survive and the same is also disposed of accordingly.

(M. S. SONAK, J.)

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