

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

**CIVIL APPLICATION NO.3872 OF 2007
IN
FIRST APPEAL (ST) NO.14756 OF 2007
WITH
CIVIL APPLICATION NO.3873 OF 2007
IN
FIRST APPEAL (ST) NO.14756 OF 2007**

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

V/s.

Sujata Mesik Raghurathi & Ors. ..Respondents

None present for the Applicant/Appellant.

CORAM : M. S. SONAK, J.

DATE : 24 JANUARY 2017.

P.C.

1. This is an appeal which relates to the year 2007.
2. Accompanying the appeal is an application seeking condonation of delay. In paragraph no.4 of the application, certain reasons have been stated to explain the delay of 197 days. The explanation, could have perhaps been accepted, had, the applicants taken some reasonable steps to effect service upon the respondents, in pursuance of notice issued to the respondents way back on 21 August 2007.

3. The matter has come up on several occasions before the Court as well as the (Judicial) Registrar. Finally, the grounds stated that notice was issued to the respondent nos. 1 and 2 is unserved with remark "Not residing on the given address"; notice to respondent nos.3 and 4 is returned unserved with the remark "want of detailed and sufficient address"; notice to respondent No.5 is returned unserved with the bailiff remark "Not found hence affixed on the door". As per Registrar's Judicial order dated 30-09-2013 it is recorded that the advocate for the appellant has not taken any steps to serve the unserved respondent. Today, when the matter is called out, neither the applicant nor their advocates are present. This is a claim petition. Possibly, on account of the pendency of this proceeding, the respondent/claimants have not yet been able to recover the compensation awarded to them. If this is true, then it is most unfortunate that the matter is kept pending for the 10 years without taking any steps.

4. This matter was duly notified on the cause list. Accordingly, the Civil Application and consequently the appeal itself is dismissed for non-prosecution.

(M. S. SONAK, J.)