

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4750 OF 2008  
IN  
FIRST APPEAL (STAMP) NO. 17839 OF 2008  
WITH  
CIVIL APPLICATION NO. 4751 OF 2008  
IN  
FIRST APPEAL (STAMP) NO. 17839 OF 2008

United India Insurance Co. Ltd. .. Appellant / Applicant  
vs.  
Mr. Abubakar Yusuf Safi & Anr. .. Respondents

None for Applicant / Appellant.

**CORAM : M. S. SONAK, J.**  
**DATE: 23 JANUARY 2017**

**P.C :**

1] This appeal relates to the year 2008. The appeal is not yet admitted, since, the same was instituted 615 days beyond the prescribed period of limitation. The civil application no. 4750 of 2008 seeking condonation of delay is yet to be considered.

2] The record indicates that no proper steps have been taken by the applicant to serve the notice of civil application upon the respondents. The notice issued to respondent no. 1 has returned with the remark that the said respondent has left the premises around 15 years ago and the present whereabouts are unknown.

3] Today, when the matter is called out, learned counsel for the applicant is not present.

4] In such circumstances, no further indulgence can be shown to the applicant. Civil application no. 4750 of 2008 and consequently appeal itself is dismissed for non prosecution.

5] Civil application no. 4751 of 2008 for interim relief, does not survive and the same is also disposed of. Ad interim orders, if any, stand vacated.

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

Chandka