

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2792 OF 2011
IN
FIRST APPEAL (ST) NO. 17491 OF 2011

Shivaji Tukaram Asgaonkar & Anr	...Applicants
<i>Versus</i>	
Chandrakant Kisan Nikate & Anr	...Respondents

Mr Akshay Kulkarni, i/b AM Kulkarni, for the Applicants.

CORAM: G.S. PATEL, J
DATED: 18th July 2017

PC:-

1. Notice to respondent no. 1 is returned with the remark “unclaimed”. It is a settled law that as long as the address is correct, this is good service.¹

1 *In Re: Ispat Industries Ltd*, 2005 (2) Bom CR 94; *Datta S Nadkarni v Salvador Fernandes & Ors*, 2016 All MR (Cri) 3002; *Dayanand L Naik & Ors v Vasco Urban Co-Operative Credit Society Ltd*, 2016 (4) All MR 860; *Jenjon Retail and Services Pvt Ltd v Lavasa Corporation Ltd*, Arbitration Petition No. 1422 of 2015, decided on 22nd June 2016, per RD Dhanuka J; *Harcharan Singh v Smt Shivrani & Ors*, [1981] 2 SCR 962; *M/s Madan & Co. v Wazir Jaivir Chand*, AIR 1989 SC 630; *Shri David KN v Shri SR Chaubey (Chaturvedi)*, 2003 (4) Bom CR 612; *Deelip Apte v Nilesh P Salgaonkar & Anr*, 2006 (6) Bom CR 653; *Indira Rani Ugrasen v Vijaya B Desai & Ors*, CRA No. 139 of 2007, decided on 7th August 2015.

2. Respondent no. 1 is served. None appears for the 2nd respondent.

3. There is a delay of 366 days in filing the First Appeal. This is explained by saying that the applicants were in 2011 aged 60 and 54. They lost their only son in the accident. By the impugned order, they were awarded compensation of Rs. 2,09,000/-. Hence the appeal. The delay is satisfactorily explained in the Civil Application. It is condoned.

4. The Civil Application is made absolute and disposed of accordingly. No costs.

(G. S. PATEL, J)