

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (F) NO.1163 OF 2014
IN
FIRST APPEAL STAMP NO.3322 OF 2014

(The National Insurance Co. Ltd., Amravati thr. its Regional Office, Nagpur Vs. Nr.
Navin Madhukarrao Wankhede and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri D.N. Kukday, Advocate for Applicant/Appellant.

CORAM: DR. (SMT.) SHALINI PHANSALKAR-JOSHI, J.

DATE: 30th JUNE, 2017.

Civil Application (O) No.685/2017 And 686/2017:

The first application is filed for condonation of delay, the delay of 446 days in filing the application for setting aside the order dated 18.04.2017 and for restoration of appeal against respondent Nos.2 and 3. The second application is for restoration of appeal against respondent Nos.2 and 3.

For the reasons given in paras 2 and 3 of the application, as sufficient cause is made out, the delay is condoned and for the reasons given in para 2 of the second application, the application is allowed and the order dated 18.04.2017 passed by Registrar (Judicial) dismissing the appeal against the respondent Nos.2 and 3 is set aside. The appeal is restored against the respondent Nos.2 and 3.

Both these applications are allowed and disposed of.

Civil Application (O) No.687/2017:

This is an application seeking service of notice on respondent Nos.2 and 3 by publication in the local newspaper. It is submitted that the correct addresses of these respondents, except the ones mentioned in the cause title, are not available with the appellant. Moreover, both these respondent Nos.2 and 3 are residents of West Bengal and in such a situation, as their presence is necessary, the appellant may be permitted to serve them by way of publication in the newspaper.

As the application is on verification, filing of affidavit in support thereof, is dispensed with. The application is allowed.

The appellant is permitted to serve respondent Nos.2 and 3, by publication of their notice in the daily local newspaper 'The Eco of India' (Calcutta Edition) and also in the paper of vernacular language having wide circulation in the area where respondent Nos.2 and 3 are residing.

The application is disposed of.

JUDGE