IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3020 OF 2018 IN FA/287/2001

NEW INDIA ASSURANCE CO.LTD, THR ITS AUTHORIZED SIGNATORY
AURANGABAD
VERSUS
KALINDA VIKRAM GAIKWAD AND ORS
...
Advocate for Applicant : Mr. Mohit R. Deshmukh.
Advocate for Respondent No.1 : Mr. B. R. Kedar.
AGP for Respondent No. 5 : Ms. S. S. Raut.
...

CORAM : K.K. SONAWANE, J.
DATED : 3rd JULY, 2018.

Order :-

1. Heard Mr. Deshmukh, learned counsel for applicant - Insurance Company and Mr. Kedar, learned counsel for respondent No.1. Ms. Raut, learned AGP appeared on behalf of respondent No.5 – State of Maharashtra. Perused the application.

2. The present application seeking permission to serve the respondent No.4 through paper publication. In view of nature of the subject matter and earlier order passed by this Court, there is no impediment to allow the applicant to serve notice to respondent No.4 through paper publication. Definitely, it would sub-serve the purpose for disposal of the appeal on merit. It is pending just for appearance of respondent No.4 in the proceedings. Hence, application deserves to be allowed.

3. Accordingly, application is allowed in terms of prayer clauses 'B' and 'C'. The appeal against respondent No.4 stands restored by setting aside the order of dismissal passed by this Court. The permission is hereby granted to the appellant- Insurance Company to serve the notice to unserved respondent No.4 through paper publication. Registry to do the needful to facilitate the applicant for service of notice to respondent No.4 through paper publication. Notice of respondent through paper publication made returnable on 31-07-2018. The civil application disposed of accordingly.

[K. K. SONAWANE]
JUDGE

rrd.