

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 189 OF 2018

IN

FIRST APPEAL NO. 13 OF 2012

THE UNITED INDIA INSURANCE COMPANY
LTD.,

... Applicant

Versus

MOHAN S. NAIK AND 2 ORS.,

... Respondents

Shri Suraj Rohidas Naik, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 29th October 2018

P.C.

Heard the learned Counsel for the applicant.

2. This is an application for restoration of First Appeal No. 13/2012, which was dismissed in default on 05.02.2018, as no steps were taken to serve the unserved respondent no. 2 by publication.

3. The record shows that the respondent no. 1 is the original claimant, while the respondent no. 3 is the owner. Respondent no. 2 is the driver, who is not served. Considering the fact that the respondent no. 1-claimant and respondent no. 3-owner, would only be the contesting parties and in view of the nature of challenge raised to the award passed by the Tribunal, the service

of notice on respondent no. 2 is dispensed with.

4. On hearing the learned Counsel for the applicant and for the reasons mentioned in the application, the same is allowed. First Appeal No. 13/2012 is restored back to the file.

C. V. BHADANG, J.

EV