

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.905/2018
IN
FIRST APPEAL NO.1116/2015

New India Assurance Co. Ltd.

... Applicant

V/s.

Smt. Varuna Kapil Kapoor

... Respondent

Mr. Devendranath S. Joshi for the Applicant

Mr. O. V. Hingoran for Respondent Nos.1,2 and 3.

Ms. Deepa Ahuja with Tanvi Kulkarni i/b. Ganesh & Co. for Respondent
No.4

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : MARCH 12, 2018

PC. :

1 Heard. This Application is made by the Appellant for setting aside order dated 08.12.2017 passed by the learned Registrar (Judicial-II) by which the Civil Application (ST) No.21058/2017 stood dismissed.

2 The learned counsel for the Applicant submits that for want of knowledge about the present correct address of Respondent No.5, it remained on their part to take appropriate steps. Hence, there is delay in making the Civil Application. He submits that they have already filed a Civil Application for substitute service on Respondent No.5.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application.

4 Hence, the following order:

- a) Delay in making the Civil Application is condoned.
- b) Order dated 08.12.2017 passed by the learned Registrar (Judicial-II) is set aside.
- c) Civil Application (ST) No.21058/2017 is restored on file.
- d) Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)