

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.4276 OF 2018
IN
FIRST APPEAL NO.1116 OF 2015**

The New India Assurance Co. Ltd. .. Applicant

V/s.

Varuna Kapoor .. Respondent

Mr.Devendranth Joshi for the applicant

Mr.Abhijeet A. Joshi for the respondent no.1 to 3

Ms.Deepa Ahuja with Ms.Debashree Mandpe I/b M/s.Ganesh and
Co. for the respondent no.6

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : DECEMBER 10, 2018

P.C. :

1 Not on board. Mentioned. Taken on board.

2 Heard the learned counsel for the parties.

3 By this Civil Application, Applicant Insurance Company seeks to set aside the impugned order dated 04.07.2016 passed by learned Registrar (Judicial-II) by which the First Appeal as well as Civil Application No.3394 of 2015 stands dismissed

against Respondent no.7 for want of service.

4 The learned counsel for the Applicant submits that they tried to find out the present correct address of Respondent no.7 but it is not possible for them to know the present correct address. Hence, they preferred separate Application for publication against Respondent no.7. He submits that in the interest of Justice, this Hon'ble Court be pleased to allow the present Civil Application and restore the First Appeal No.1116 of 2015 against Respondent no.7 Rikadi Food Processors Pvt. Ltd. He submits that if Civil Application is not allowed, irreparable loss will be caused to them. He submits that they have good chance of success in the present First Appeal.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Applicant already preferred Civil Application for substitute service on Respondent no.7, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

- a) Conditional order dated 04.07.2016 passed by Registrar (Judicial-II) is set aside against Respondent no.7.
- b) First Appeal No.1116 of 2015 along with Civil Application No.3394 of 2015 is restored on file against Respondent no.7 also.
- c) Applicant to take appropriate steps for service on Respondent no.7 within 8 weeks from today, failing which the

Writ Petition shall stand dismissed without further reference to the court.

d) Civil application stands disposed off accordingly.

(N. J. JAMADAR, J)

(K.K. TATED, J.)