

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

**CIVIL APPLICATION NO.4277 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 Advocate for the original appellant submits that by this Civil Application, they are seeking to serve Respondent no.5 by publication in newspaper as per Order V Rule 20 of the Code of Civil Procedure, 1908.

4 The learned counsel for the Applicant submits that on the basis of Civil Application No.4274 of 2018 filed by the original claimant, they learnt that Respondent no.5 is dead. Therefore, there is no question of pressing the present Civil Application. Hence, he seeks liberty to withdraw the same with liberty to file afresh Application for bringing legal heirs on record. To that effect, he has given in writing. Same is taken on record and marked "X" for its identification. Same is accepted.

5 Civil Application stands disposed of as withdrawn with liberty as prayed.

(N. J. JAMADAR, J)

(K.K. TATED, J.)