IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4278 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 This Application is preferred by original appellant Insurance Company for permitting them to serve Respondent no.7 by substitute service as per Order V Rule 20 of the Code of Civil Procedure, 1908.

4 The learned counsel for the Applicant submits that Respondent no.7 is not traceable.

5 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. Hence, the following order:

A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

> *"(a) This Honourable Court may kindly permit the Applicant to serve the notice of First Appeal No.1116 of 2015 along with Civil Application Nos.3394 of 2015 on the Respondent No.7 by publication of the notice in the daily newspapers namely Free Press Journal and Navshakti widely circulated in District Thane."*

B) Applicant to complete the substituted service on Respondent No.7 within 12 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

C) Civil application stands disposed off accordingly.

(N. J. JAMADAR, J) **(K.K. TATED, J.)**