

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 2264 OF 2011
WITH
CIVIL APPLICATION NO. 874 OF 2012
WITH
CIVIL APPLICATION NO. 2643 OF 2016
IN
FIRST APPEAL NO. 2264 OF 2011**

The New India Assurance Co. Ltd. ...Applicant

Versus

Mr.Rafiq Shafi Mohammed Shaikh & Ors. ...Respondents

.....

Mr.S.M.Dange for the Applicant.

.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 17, 2018**

P.C.:

CIVIL APPLICATION NO. 2643 OF 2016

1. This Civil Application is filed by the applicant/ insurance company for substituted service.

2. The learned Counsel for the applicant submits that the applicant/ insurance company seeks permission to serve the notice on respondent no.3 by way of publication in English daily News paper "Daily Poona Herald" Pune City edition.

3. Permission is granted. Civil Application is allowed in terms of prayer clauses (a) and (b) of the Civil Application.

4. Civil Application is allowed and is accordingly disposed of.

CIVIL APPLICATION NO. 874 OF 2012

5. By this Civil Application, the applicant/insurance company seeks stay to the execution and implementation of the impugned judgment and award dated 24th June, 2011 passed by the learned Member, Motor Accident Claims Tribunal, Pune in Claim Application No. 240 of 2007.

6. The learned counsel for the applicant submits that the applicant/insurance company has deposited the entire decretal amount alongwith interest accrued thereon.

7. However, though notice is served on respondent Nos. 1 and 2, who are main contesting parties, none present.
8. In view of this submission, the execution and implementation of the impugned judgment and award is stayed till the final disposal of the Appeal.
9. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)