

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.848/2018

IN

FIRST APPEAL NO.520/2013

National Insurance Co. Ltd., Dharampeth Extension, Nagpur

..Vs..

Ku. Sindhu D/o Shankar Sudit and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.N. Kukday, Advocate for the appellant.
Smt. S.W. Deshpande, Advocate for the respondents.

CORAM : Z.A. HAQ, J.

DATE : 5.3.2018.

The appeal against respondent Nos.4 and 5 is dismissed as they could not be served with notice of appeal. The learned Advocate for the appellant has pointed out that respondent Nos.4 and 5 were served through paper publication on Civil Application No.2939/2012, which application was filed by the appellant praying for condonation of delay in filing appeal. It is further stated that the address of respondent Nos.4 and 5 as shown in the memorandum of appeal are the registered address supplied by them before the Tribunal.

Considering the fact that respondent Nos.4 and 5 were served on Civil Application No.2939/2012 it has to be held that they had been aware about pendency of proceedings before this Court and, therefore, it has to be treated that fresh notice of appeal is not required.

In view of the above, order passed by the

learned Registrar (J.) on 29th November, 2016 is set aside and the appeal dismissed against respondent Nos.4 and 5 is restored. Fresh notice is not required to be served on respondent Nos.4 and 5 through Court.

The appellant shall send copy of this order to respondent Nos.4 and 5 by speed post acknowledgement due on the address shown in the memorandum of appeal and file an affidavit of compliance on record of the appeal within one month. The civil application is **allowed** accordingly. No costs.

JUDGE

Tambaskar.