

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

**CIVIL APPLICATION NO. 3641 OF 2016
IN
FIRST APPEAL (ST.) NO. 14452 OF 2015**

The New India Assurance Co. Ltd.

..... Applicant.

Vs.

Ramchandra Mahadeo Patole & Ors.

..... Respondents.

.....
Pooja Pawar i/b D. R. Mahadik for the Applicant.
Poonam Mittal i/b T. J. Mendon for Respondent Nos. 1 to 4.
.....

**CORAM : K.K.TATED, J.
DATED : AUGUST 23, 2019**

P.C.

1 Heard Learned Counsel for the parties.

2. By this Civil Application, the Applicant insurance company is seeking permission to serve Respondent No. 4 by substituted service as per Order 5, Rule 20 of the Civil Procedure Code.

3. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out case for allowing this Civil Application. Hence, the following order:

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

“a. Respondent No. 4 (Original opp. Party) i.e. M/S. SADURAM PATEL & SONS residing at 2/90, Cotton Exchange Building, Cottongreen (East), Mumbai, may be allowed to be served by publishing in local News Papers (i.e. The Free Press Journal in English and Navshakti in Marathi

Language) as provided under Order V Rule 20 of the Civil Procedure Code in Civil Application for condonation of delay and Civil Application for stay.”

- b. The Applicant to complete the service on Respondent No.4 as per Order 5, Rule 20 of the Civil Procedure Code on or before 11th October, 2019 and file affidavit of service to that effect failing which, Civil Application shall stand dismissed without further reference to the Court.
- c. Civil Application stands disposed of accordingly.
- d. No order as to costs.

(K.K.TATED, J.)