

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

**CIVIL APPLICATION NO. 928 OF 2019
IN
FIRST APPEAL NO. 771 OF 2017**

The New India Assurance Co. Ltd. ..Appellant

v/s.

Smt. Laxmibai Balasaheb Bhosale & Ors. ..Respondents

Mr. Sandeep Jinsiwale for the Appellant/Applicant.
Mr. Ketan Joshi for the respondent No.8
Mr. V.S.Talkute for the Respondent Nos.1 and 5.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 08th MARCH, 2019.**

P.C.

1. By this application, the applicant has sought to condone the delay of 350 days in filing the application for recall of the order dated 18th December, 2017.
2. By order dated 18th December, 2017 four weeks time was granted to the applicant-insurance company to serve respondent no.9, failing which the applicant was informed that the appeal would be dismissed as against the respondent no.9. Since the applicant did

not take steps to serve the respondent no.9, appeal was dismissed as against the respondent no.9 .

3. In view of the reasons stated in para nos.2 and 3 of the application, delay in filing the application is condoned. Order of dismissal as against the respondent no.9 is recalled.

4. The learned Counsel for the appellant submits that the notice was issued to the respondent no.9 as per the available address and that they are not aware of any other alternative (or interchangeable) address.

5. In the light of the above, the applicant-Insurance company is permitted to serve the respondent no.9 by publication.

6. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)