

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3284/2019
in
First Appeal (ST) No.11715/2015

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

Court's or Judge's orders.

Mr. Abhijit P. Kulkarni for the Applicant
Mr. Rohan S. Darundale for Respondent
No.1.

CORAM: K.K.TATED, J.
DATED : OCTOBER 18, 2019

P.C.

1 Heard. By this Civil Application , the Applicant Insurance Co. is seeking restoration of the matter against Respondent Nos.2 and 3 which stood dismissed in view of conditional order dated 23.11.2015 passed by the learned Registrar Judicial (II).

2 The learned counsel for the Applicant submits that they tried to find out the present correct address of Respondent Nos.2 and 3, but in vain. Hence, they filed the Application for substituted service.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil

Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

- a. Delay in filing the Civil Application is condoned.
- b. Order dated 23.11.2015 passed by the learned Registrar Judicial (II) is set aside.
- c. Civil Application No.1535/2015 is restored to file for hearing against Respondent Nos.2 and 3 also.
- d. The Applicant is permitted to serve Respondent Nos.2 and 3 by substituted service under order 5 Rule 20 of the Code of Civil Procedure, 1908 by publication in two newspapers having wide circulation, one in English and another in vernacular and file Affidavit of Service on or before 13.12.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- d. The Civil Application stands disposed of accordingly.
- e. No order as to costs.

(K.K.TATED, J.)