

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO.3933/2016

in

First Appeal No.16/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs. Kruttika Pokale i/b. A. M. Gokhale
for the Applicant

CORAM: K.K.TATED, J.

DATED : AUGUST 13, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking dispensing with the service on Respondent No.6 - owner of the offending motorcycle bearing No.Mh-05/Q-4120.

2 The learned counsel for the Applicant submits that none appeared on behalf of Respondent No.1 before the MACT, Thane in MACP No.681/2008. Hence, the matter is decided exparte against him. He submits that they tried to serve the Respondent, but the Bailiff Report shows that the notice issued to Respondent No.1 returned unserved as not residing on the said address for 10-

15 years. She submits that In the present proceedings their main claim is agaisnt the Insurance Co. only.

3 Considering these facts and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application at the costs and consequences of the Applicant.

4 Hence, following order is passed

a. Service upon Respondent No.6-owner of the vehicle is dispensed with at the costs and consequences of the Applicant.

b. Civil Application stands disposed of accordingly.

c. No order as to costs.

(K.K.TATED, J.)