

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

CIVIL APPLICATION NO.4344 OF 2016  
IN  
FIRST APPEAL (ST) NO. 6555 OF 2011

The New India Assurance Co.LTD. ...Applicant.  
V/s.  
Mrs. Zarina Begum Rais khan & Ors. ...Respondents.

Mr. Sudhakar Pandarm, i/by Milind More, for the Applicant.  
Ms. Shalini Shankar, for the Respondent No.7.

**CORAM : SHRI K.K.TATED, J.**  
**DATED : AUGUST 30, 2019**

**P.C.:**

1. Not on board.
2. At the request of Advocate for the Applicant, matter is taken on board for urgent order.
3. Learned counsel for the Applicant submits that, by this Civil Application, Applicant is seeking permission to serve the Respondent Nos. 1 to 5 by publication in the local newspaper.
4. The learned counsel for the Applicant submits that notice issued to the Respondent Nos. 1 to 5 by the Hon'ble Court returned unserved with remark, "No such building found on given address."
5. The learned counsel for the Applicant, submits that they tried to find the present address of Respondent Nos. 1 to 5, but failed to do so. Hence, they preferred present Civil Application.

6. Considering the submissions made by the learned counsel for the Applicant and averments made in the Application, I am satisfied that Applicant has made out a case for allowing this Civil Application.

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

*"This Hon'ble Court be pleased to grant permission to the petitioners for publication of notice in the above noted matter, in local news papers namely **"Free Press Journal"** and **"Navshakti"** at the costs of the Petitioners."*

b) Applicant is allowed to serve the Respondent Nos. 1 to 5 by publication of notice on or before 08.11.2019 and to file Affidavit of Service 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.)**