

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 976 OF 2018
IN
FIRST APPEAL No. 950 OF 2017

Reliance General Insurance Co. Ltd. ...Applicant
Vs.
Maglabhai Babubhai Halpati and Anr. ...Respondents

Mr. Rahul Mehta i/b. KMC Legal Ventrue for Applicant
None for the Respondents

CORAM: K.K. TATED, J.

DATED : JUNE 4, 2019

P.C. :

1. Heard learned counsel Mr. Rahul Mehta for Applicant.
2. The learned counsel for the applicant submits that they have filed the present appeal under section 173 of the Motor Vehicle Act, 1988 against the award dated 03.11.2009 passed by the MACT, Thane in Motor Accident Claims Application No. 10/2009. The learned counsel for the applicant submits that by this first appeal, they are challenging the claim amount awarded by the Tribunal to the Respondent -Claimant by way of compensation. He submits that, therefore, it is not necessary to serve the notice on respondent No.2 who is the owner of the vehicle. Therefore, they preferred the present civil application to dispense with the notice on respondent no.2.
3. Considering the submission made by the learned counsel, for

the Applicant, averments made in the civil application and at the costs and consequences of the Applicant, the present civil application is allowed. Hence, following order:

ORDER

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

“That service of Notice of hearing of the Appeal in so far as the Respondent No.2 is concerned be dispensed with.”

(B) Civil Application stands disposed of accordingly.

(K. K. TATED, J.)