

The Application is for leave to serve Respondents by substituted service. Respondent No.1 is present in Court. As regards Respondent No.2, the only statement made is that Respondent No.2 was proceeded *ex parte* before MACT Mumbai and seems to be not interested in appearing in the proceedings throughout by avoiding service of notice of present First Appeal also by not providing correct

address. In our view, this is a most absurd explanation anybody could make. We say it because Applicant was the insurer of the vehicle and would certainly have the address of Respondent No.2 in the insurance policy issued. Appellant would also have copy of the registration certificate of the vehicle in which the address of Respondent No.2 could be found. There is not even an averment in Application that the address given in the cause title is the same address as was available in the insurance policy and in the registration certificate. When we brought this to the notice of Mr.Joshi, Mr.Joshi sought leave of the Court to file a further affidavit. We are not inclined to grant an opportunity because there is no averment that any attempt to serve Respondent No.2 at the address given in the insurance certificate or in the registration certificate was ever made. Therefore, Application rejected.

3 Appellant to serve Respondent No.2 at the address given in the insurance policy as well as in the registration certificate of the vehicle that was insured with Appellant by hand delivery.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)