

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

FIRST APPEAL NO.3 OF 2023

WITH

INTERIM APPLICATION NO.13066 OF 2024

WITH

INTERIM APPLICATION NO.13064 OF 2024

Gangadhar Baburao Kharat

...Appellant/Applicant

vs.

ICICI Lombard General Insurance
Company Limited and Anr.

...Respondents

Mr.Yogendra Pendse:-	Advocate for Appellant.
No one is present:-	On behalf of the Respondents.

CORAM : S. M. MODAK, J.

DATE : 27th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Pendse for the Appellant virtually.
2. It is true that learned Registrar (Judicial-II) as per the order dated 25th April 2024 has passed a conditional order of dismissing the Appeal, if steps are not taken to serve the Respondent No.2. He could not be served in normal way. He is the owner whereas, this Appeal is by the Claimant for enhancement.

3. The Interim Application No.13066 of 2024 is filed for substituted service. It is recorded in the order dated 11th March 2024 by learned Registrar (Judicial-II) that service could not be effected on Respondent No.2.

4. In view of that, following order is passed:-

ORDER

- (i) The order dated 25th April 2024 passed by the learned Registrar (Judicial-II) is set aside.
 - (ii) The Appeal stands restored against the Respondent No.2.
 - (iii) The substitute service be effected on Respondent No.2 as prayed in the Interim Application.
5. In view of the above, **both Interim Applications are disposed of.**
6. Stand over to **11th November 2024.**

[S. M. MODAK, J.]