

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10990 OF 2024
IN
FIRST APPEAL (St.) NO. 2311 OF 2020

Bajaj Allianz General Insurance Co. Ltd. ...Applicant

Versus

Prashant Balaji Sudke and Another ...Respondents

Mr. Devendranath S. Joshi for Applicant.

Coram : Sharmila U. Deshmukh, J.

Date : 18th March, 2025.

P. C. :

1. Interim Application has been preferred seeking recall of order dated 15th February, 2024 passed by Registrar (Judicial-II) dismissing the Appeal *qua* the Respondent No. 2 for failure to take steps, and for permission to serve Respondent No. 2 by substituted service.
2. Learned counsel appearing for Applicant submits that notice issued to Respondent No. 2 has been returned 'unserved' with Bailiff's remark 'not found' and that Appellants have the same address which was mentioned in the proceedings before the Commissioner for Workmen's Compensation. He submits that Applicant being the Insurance Company is unable to trace out fresh address of Respondent

No. 2 and therefore, seeks to serve Respondent No. 2 by substituted service.

3. Considering that Respondent No. 2 remained unserved as Bailiff remark was that he was not found on the given address and it was demonstrated that address is same address, which was mentioned in the proceedings before the Commissioner for Workmen's Compensation, the permission is granted to serve Respondent No. 2 by substituted service by way of publication in newspapers in 'Free Press Journal' (English) and 'Navshakti' (Marathi).

4. In light of above, delay of 141 days stands condoned and order dated 15th February, 2024 is recalled.

5. The Applicant is permitted to serve Respondent No. 2 through newspaper publication in 'Free Press Journal' (English) and 'Navshakti' (Marathi) returnable on **29th April, 2025**.

6. The service is in respect of First Appeal as well as in all Interim Applications pending thereto.

[Sharmila U. Deshmukh, J.]