



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION [CAF] NO. 1025 OF 2025

IN

FIRST APPEAL NO. 1742 OF 2019

ORIENTAL INSURANCE CO. LTD.

VERSUS

RAJENDRA S/o RAMDAS SALAM AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. T. T. Mirza, Advocate h/f Mr. A. M. Quazi, Advocate for the
applicant/appellant
Ms. Archana Lanjewar, Advocate h/f Mr. N.R. Saboo, Advocate for
respondent no.7/cross-objector.

CORAM : M. W. CHANDWANI, J.

DATE : APRIL 09, 2025.

1. Heard.
2. By this application, the appellant is seeking direction to treat respondent no.5 as served.
3. The contention is that the notice sent to respondent no.5 by RPAD is returned back with remark as 'unclaimed'. However, the Registrar (Judicial) did not treat it as service and again directed the appellant to take steps to serve respondent no.5. In support of the submission, learned counsel relied on the decision of the Hon'ble Supreme Court in the case of *Priyank Kumari .vs. Shailendra Kumar* in *Transfer Petition (Civil) No. 2090/2019*, wherein it is held that when the notice is returned as unclaimed, it shall be deemed to be served and it is proper service.

4. In the wake of the decision in *Priyanka Kumari (supra)*, the unclaimed notice is deemed service, respondent no.5 be treated as served.
5. The application is allowed and disposed of accordingly.

(M.W.Chandwani, J.)

Diwale