



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION

THIRD PARTY NOTICE NO.1 OF 2019  
IN  
COMMERCIAL SUIT NO.1065 OF 2018

**In the matter of**

Future General India Insurance Company Limited ..Plaintiff

**V/s.**

Magma HDI General Insurance Company Limited ...Defendant

**To,**

Barents Re Reinsurance Company, Inc, Paris, France & Ors.

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Mr.Bomi Patel with Mr.Anubhav Dutta i/b. Tuli & Co. for Applicant/  
org.Defendant.

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**CORAM :** G.S.KULKARNI, J.

**DATE :** 12<sup>th</sup> DECEMBER, 2019

**P.C.:**

Heard Mr.Bomi Patel, learned Counsel for the defendant on this third party notice.

2. Commercial Suit No.1065 of 2018 has been instituted by plaintiff-Future General India Insurance Company Limited against the defendant inter-alia for recovery of amounts of Rs.82,16,23,318/-. The contention of the defendant in this third party notice is that the defendant is indemnified in regard to the reinsurance in question principally by the noticee No.1 and its associates who are noticee Nos.2, 3 and 4. Noticee Nos.5, 6 and 7 are the brokers. Paragraphs (a) to (f) of the notice are the relevant averments as to why the noticees are required to be necessary parties as the defendant would



be entitled to an indemnity to the noticees under the reinsurance agreement as entered between the defendant and noticee No.1.

3. Mr.Bomi Patel, learned Counsel for the defendant, has also drawn my attention to the affidavit in support of the third party notice and more particularly the statements as made in paragraph 9(hh) to paragraph 11.

4. Having heard Mr.Patel and having perused the statements as made in the notice and the relevant contentions in the affidavit in support of the third party notice, in my opinion, it is in the interest of justice that leave is granted. I am also satisfied that the delay in filing the notice which is about 19 days, is required to be condoned. It is accordingly condoned. Ordered accordingly.

**(G.S. KULKARNI, J.)**