

New India Assurance Co. Ltd. vs. Ms. Manju Bala & Ors.

FAO No. 122 of 2019.

29.07.2025 Present: Mr. Raman Sethi, Advocate, for the appellant.

Ms. Divya Rajta, Advocate, for respondents No.1 and 2.

Mr. Arun Kumar, Advocate, for respondent No.3.

CMP No. 12839 of 2022.

By way of this application, a prayer has been made to serve respondent No.4 by way of substituted service through affixation or traditional mode.

It is averred that notice sent by this Court to respondent No.4, returnable for 14.06.2019 was received back with the report that a lady named Ms. Shashi was found on the address. She claimed herself to be the sister of Shri Vikas Garg though whom notice was issued to respondent NO.4. She had received the notice, however, the same was not considered to be a valid service. Again notice was sent returnable for 29.12.2020 and again the same lady, namely, Ms. Shashi was found on the address and this time it was disclosed by Ms. Shashi that respondent No.4 had sold the flat and his whereabouts were not known. Thereafter again notice was issued to respondent No.4 and it has been

received back with the report that the address is not correct.

The appellant/applicant has submitted that despite its efforts it has not been able to find any other alternative address of respondent No.4, which according to them is the last known address. It is also submitted on behalf of the applicant/appellant that on the same address respondent No.4 was served during the proceedings before the learned Motor Accident Claims Tribunal.

The contents of the application are duly supported by an affidavit.

The fact that respondent No.4 has not been served till date despite pendency of the appeal for the last about six years reveals that his service through normal process will not be possible and especially when the appellant/applicant is not in possession of other alternative address of respondent No.4.

In the peculiar facts of the case, even service by affixation or any other traditional mode will not be sufficient. This Court feels that notice should be published in a vernacular newspaper having circulation in the area. Accordingly, respondent No.4 be served by way of publication of notice in a vernacular newspaper i.e. Amar Ujjala having

circulation in the area, returnable on 23rd September, 2025. Steps be taken within a week.

(Satyen Vaidya)
Judge

29th July, 2025.
(Jai)