

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

***CIVIL APPLICATION NO. 140 OF 2015
IN
FIRST APPEAL NO. 2104 OF 2011***

The New India Assurance Co. Ltd. ... Applicant
v/s
Shri Gabaji Dattatraya Sonavane & ors. ... Respondents

Mrs.Urmila K. Sanil for the applicant.

Mr.R.K. Bobade for respondent Nos.1 to 3.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

PC.:

Heard learned counsel for parties.

2 This application is preferred by the Insurance Company for restoration of First Appeal No.2104 of 2011 which was dismissed in view of conditional order passed by the learned Registrar (Judicial II) dated 30 August 2012 for non-payment of Bhatta charges along with copies of appeal memo in First Appeal.

3 Learned counsel Mr.Bobade appearing on behalf of the respondents/original claimants vehemently oppose the civil application. He submits that the applicant has not shown sufficient reason in the present civil application for setting aside the

conditional order dated 30 August 2012 and for restoration of First Appeal No.2104 of 2011.

4 Considering the submissions made by learned counsel for the applicant, though the proper reason is not disclosed in the application, in the interest of justice, the civil application is allowed. At the same time, the applicant to pay costs of Rs.5000/- to the respondent/original claimants within four weeks from today, failing which the civil application shall stand dismissed without further reference to the Court. The applicant to deposit the cost in the Registry within four weeks from today failing which the civil application shall stand dismissed without referring back to the Court.

5 Liberty granted to the original claimant to withdraw the said cost without furnishing any security.

6 Hence the following order :-

O R D E R

(A) The conditional order dated 30 August 2012 passed by the learned Registrar (Judicial II) is set aside.

(B) First Appeal No.2104 of 2011 with pending civil application, if any, restored to file.

(C) The applicant to pay Bhatta charges along with copies of First Appeal within three weeks from today.

(D) Liberty granted to the respondent/claimant to withdraw the cost.

(*K.K.TATED, J.*)