

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CAF No.516/2014 in First Appeal St. No.3755/20014
National Insurance Co.Ltd. Vs. Smt. Gita wd/o Ashok Rane and others.

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	<u>Court's or Judge's Orders.</u>
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Shri S.N. Dhanagare, Advocate for the appellant.

CORAM : Z.A. HAQ, J
DATE : 14th January, 2015.

The appeal is dismissed against the respondent nos. 1 to 5 as per the order passed by the learned Registrar (Judicial) on 5th August, 2014, as they were not served.

Shri G.D. Asole, the learned Advocate has put in appearance on behalf of the respondent nos. 2 to 5. The respondent no.1 is reported to be dead. The respondent nos. 2 to 5 have filed Civil Application No.1263/2014 praying for permission to withdraw the amount deposited by the appellant.

Shri Dhanagare, the learned Advocate seeks time to file civil application for restoration of the appeal against the respondent nos.1 to 5. As Shri Asole, the learned Advocate, has put in appearance for respondent nos. 2 to 5, considering the facts of the case, on oral motion, the order passed by the learned Registrar on 5th August, 2014 is set aside and the appeal is restored against the respondent nos. 2 to 5.

Civil Application (F) No.516/2014

Though the application is opposed by the learned Advocate for the non-applicant nos.2 to 5, considering the reasons given in the application, the delay of 29 days in filing the appeal is condoned. The civil application is allowed.

JUDGE

Ambulkar