

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

CIVIL APPLICATION NO. 4501 OF 2019
IN
RC 265 OF 2016

(Cholamandalam – MS General Ins. Co. Ltd., Nagpur through its Manager Vs. Dr.
Anhar Ansar Ansar Ahamdand and two others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Apurv De, counsel for the applicant/claimant.

CORAM : ANIL S KILOR, J.
DATE : 13th FEBRUARY, 2020.

At the time of filing the first appeal, there is a delay in filing the first appeal, therefore, Civil Application No. 2028 of 2015 was filed by the appellant and the same was allowed and the delay was condoned subject to costs of Rs. 1000/- to be paid to the respondent no.1 within a period of four weeks from the date of order.

2. Thereafter on 4th December, 2015 this Court was granted one week time to pay the costs as directed by this Court vide order dated 2nd September, 2015. This Court further passed the order that if the orders are not complied with, the appeal shall stand dismissed for default without reference to the Court.

3. The office note shows that the present appeal was dismissed on 11th December, 2015.

4. Unknowingly the said fact, the application for withdrawal 50% of the amount was moved by applicant/claimant and the same was allowed on 29th June, 2017.

5. By the present application, now the applicants/claimants are praying for withdrawal of balance of 50% amount.

6. None for the appellant/non-applicant.

7. Shri Apurve De, learned counsel for the applicants/claimants submits that after the dismissal of the present appeal, no steps have been taken by the applicant/appellant to restore back the appeal and the balance amount deposited by the applicant/appellant is lying with the Registry.

8. In view of the fact that the appeal stood dismissed in the month of December, 2015, the present application is allowed.

9. Applicants/claimants are permitted to withdraw the 50% balance amount alongwith accrued interest, if any, thereon.

Application is disposed of.

JUDGE