

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

**CIVIL APPLICATION NO.3251 OF 2016
IN
FIRST APPEAL STAMP NO.36079 OF 2013**

United India Insurance Co. Ltd.

.. Applicant

Versus

Mr. Paul Varghese and another

.. Respondents

Mr. Amol Gatne for the Applicant.

**Mr. Tushar Dahibawkar i/by Ms. Suchita P. Vetale for the Respondent
No.1.**

CORAM : R.M. SAVANT, J.

DATE : 20th JULY 2016

PC.

1 The above Civil Application has been filed for restoration of First Appeal Stamp No.36079 of 2013 along with Civil Application Nos.874 of 2014 and 875 of 2014. The said proceedings have stood dismissed for non-prosecution in view of the conditional order dated 19.03.2015 passed by the Learned Registrar (Judicial-II) of this Court. The reasons why there was non-compliance of the conditional order have been mentioned in the Civil Application. Hence, accepting the said reasons, the Civil Application is allowed. Resultantly, the First Appeal Stamp No.36079 of 2013 and Civil Application Nos.874 of 2014 and 875 of 2014 are

restored to file.

2 On restoration, the ad-interim order passed in Civil Application No.875 of 2014 would also stand restored.

3 On restoration, issue fresh notice to the Respondent No.2 in the First Appeal as well as the Civil Applications returnable on 19.08.2016. In addition to service of notice through Court, the advocate for the Applicant shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

[R.M. SAVANT, J]