

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3457/2015
IN
FIRST APPEAL NO. 427/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Varsha Chavan for the Applicant
Mr. Khanjan H. Joshi for the Respondent No.1.

CORAM : K. K. TATED, J.
DATE : JANUARY 27, 2016

P.C.:

1. Heard. This application is made by the Insurance Company for restoration of the present first appeal which was dismissed in view of conditional order dated 07/04/2014 passed by this court for non filing of paper book. The learned counsel for the applicant submits that the applicant undertakes to file the paper book within 2 weeks from today. Statement is accepted.

2. On the other hand, the learned counsel for the respondent No.1 submits that the applicant has not disclosed sufficient cause for condonation of delay in making the civil application. He submits that the reasons given by the applicant in

para 10 of the civil application does not disclose sufficient cause for allowing the civil application. Hence, same be dismissed with costs.

3. Considering the submissions made by the learned counsel for the applicant, the averments made in the civil application and as the applicant undertakes to file paper book within 2 weeks from today, I am of the opinion that the applicant has made out a case for allowing the civil application.

4. Hence, following order is passed:

a. Order dated 07/04/2014 passed by this court is recalled to the extent of dismissing the Appellant's first appeal for non compliance of the said order.

b. The first appeal is restored to file.

c. The applicant to file private paper book within 2 weeks from today, failing which the civil application shall stand dismissed, without further reference to the court.

d. Civil application stands disposed off accordingly.

JUDGE