

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

**CIVIL APPLICATION NO. 3524 OF 2015
IN
FIRST APPEAL NO. 1108 OF 2012**

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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Mr. S. M. Dange for the applicant.
None for the respondent.

**CORAM : K. K. TATED, J.
DATED : 26/02/2016**

P.C.:

- . Heard learned Counsel for the applicant.
- 2 The learned counsel for the Applicant submits that he filed affidavit of service dated 25.02.2016. Same is on record.
- 3 Though Respondent Nos. 1 to 4 are duly served, no one appeared on behalf of them.
- 4 This application is preferred by Insurance Company for restoration of First Appeal No. 1108 of 2012 which was dismissed in view of conditional order dated 11.10.2012 passed by this Court for non filing of private paper book within stipulated time.
- 5 The learned counsel for the applicant submits that inadvertently it remained on their part to take immediate steps for filing private paper book. He

submits that private paper book is ready and he undertakes to file the same within two weeks from today.

6 The learned counsel for the applicant submits that if Civil Application is not allowed, irreparable loss and injury will be caused to them. He submits that they have good chance of success in the present matter.

7 The Respondent No.5 is dead. His legal heirs are not brought on record. The learned counsel for the applicant seeks liberty to delete the name of Respondent No.6. Same is allowed.

8 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

9 Hence, the following order:

a) First Appeal No. 1108 of 2012 is restored on file along with interim order if any passed earlier.

b) Time is granted till 11.03.2016 to comply the order dated 11.10.2012, failing which the Civil Application shall stand dismissed without further reference to the court.

c) Office is directed to make appropriate noting in cause title of First Appeal no. 1108 of 2012

that First Appeal stands abated against Respondent No.5 Mr. Khandu Sakharam Padre and First Appeal stands withdrawn against Respondent No.6 Karbhari Pandurang Gaikwad.

d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)