

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 9304 OF 2016 IN FA/3216/2008

THE ORIENTAL INSURANCE CO. LTD., AURANGABAD.
VERSUS
NIRMALA VITTHAL JAGDALE AND OTHERS

...
Advocate for Applicant : Mr. V. C. Patil h/f. Mr. S. M. Godsay
Advocate for Respondents No.1 to 4 : Mr. C. K. Shinde.

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CORAM : K.K. SONAWANE, J.
DATED : 24TH NOVEMBER, 2017.

Order :-

Heard Mr. Patil h/f. Mr. Godsay, learned counsel for applicant and Mr. Shinde, learned counsel for respondents-original claimants.

2. Perused the application. It appears that, proceedings of appeal came to be dismissed for not depositing paper book charges in the trial Court within stipulated period, therefore, appeal came to be dismissed. In view of the nature of subject matter and the reasons mentioned in application, an reasonable opportunity is essential to be granted to the applicant for substantial justice. The applicant should not be precluded on the ground of technicality. Therefore, I do not find any impediment to allow the application. Hence, civil application stands allowed in terms of prayer clause 'B' and 'C'. The delay caused for filing present application is hereby condoned. The order of dismissal of appeal, for not depositing paper book charges, passed by learned Registrar dated 12-02-2013, is hereby set-aside and quashed. The proceedings of First Appeal No. 3216 of 2008 be restored at it's original stage. After restoration of appeal, applicant to deposit paper book charges within two weeks, failure to which, the order of restoration shall stand revoked automatically without reference to this Court. The Registry to take note about the same. After due compliance, list the matter in due course. Accordingly, civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE