

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 411 OF 2008
WITH
CIVIL APPLICATION NO. 4064 OF 2016

Oriental Insurance Co Ltd	...Appellant
<i>Versus</i>	
T Shriniwasan & Ors	...Respondents

None *for the Appellant.*

Mr A Rebello, *i/b Pavan S Patil, for Respondent No. 2.*

CORAM: G.S. PATEL, J
DATED: 20th June 2017

PC:-

1. The matter is pending since before 2008. The First Appeal was admitted on 6th December 2007. The matter is an old one. It has been on board on several occasions in 2016 and 2017. I notice from the past orders that in 2017 there has been no appearance on behalf of the Appellants. Even in the order of 20th September 2016 the appearances are incorrect and it is obvious that the erstwhile Advocates for the Appellant appeared but neither the Appellants nor their present Advocate were present.

2. On 13th June 2017 I noticed all of this and also the order of SC Gupte J of 4th May 2017 giving a final opportunity. I yet listed the matter today specifically under the caption of “dismissal”.
3. None appears for the Appellant. The Appeal is dismissed.
4. The amounts deposited may be withdrawn by the original Claimants with all accrued interest. The amount of Rs. 25,000/- deposited in this Court is also to be transferred to the executing Court, if not already done and may also be allowed to be withdrawn.
5. The Civil Application is disposed of in these terms with no order as to costs.
6. It is made clear that since the Appellant is Insurance Company, no application for restoration of the First Appeal will be entertained except on an order of costs.

(G. S. PATEL, J)