

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

**CIVIL APPLICATION NO. 3163 OF 2017
IN
REJECTED CASE NO. 1318 OF 2017**

National Insurance Company Ltd. ...Applicant

Versus

Smt.Malini Shivdas Khade & Ors. ...Respondents

.....

Mr.Sanjay Krishnan i/b. Ms.Harshada Rane for the Applicant.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : OCTOBER 05 , 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Civil Application is moved for restoration of the First Appeal.
3. Learned counsel for the applicant submits that there is a delay of 124 days in filing the Civil Application for restoration of the First Appeal. The First Appeal was dismissed by order dated 28.04.2017 passed by the Registrar (Judicial-II) for non payment of sufficient Court Fees stamp. He prays that the applicant be granted two weeks time to deposit the Court Fees Stamp.

4. In view of the above submissions and the reasons mentioned in the application, delay of 124 days is condoned and the order dated 28.04.2017 passed by the Registrar (Judicial-II) dismissing the Appeal is set aside. Civil Application is allowed. First Appeal is restored to its original file.

5. The applicant is directed to pay the deficit Court Fess on or before 02.11.2017.

(MRIDULA BHATKAR, J.)