

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

**CIVIL APPLICATION NO.2578 OF 2013
IN
FIRST APPEAL (ST) NO.33838 OF 2012
WITH
CIVIL APPLICATION NO.1095 OF 2016
IN
FIRST APPEAL (ST) NO.33838 OF 2012
WITH
CIVIL APPLICATION NO.2579 OF 2013
IN
FIRST APPEAL (ST) NO.33838 OF 2012**

New India Assurance Co. Ltd. ..Applicant/Appellant
V/s.
Shri.Ramvilas Brijlal Nishand & Ors. ..Respondents

**WITH
CIVIL APPLICATION NO.468 OF 2017
IN
FIRST APPEAL (ST) NO.33838 OF 2012**

Shri.Ramvilas Brijlal Nishand & Ors. ..Applicant

IN THE MATTER OF

The New India Assurance Company
Limited Through Its Divisional Manager ..Appellant
V/s.
Shri.Ramvilas Brijlal Nishad ..Respondent

None present for the Applicant/Appellant.

Ms.Varsha Nichani for Respondent Nos.1 & 2.

CORAM : M. S. SONAK, J.

DATE : 28 FEBRUARY 2017.

P.C.

1. Today, neither any representatives of the appellant nor their advocate is present. This is an application for the restoration of the Civil Application as against respondent No.3. This Civil Application is accordingly dismissed for non-prosecution. Further, the learned counsel for the respondent Nos.1 and 2 (Claimants) submit that on account of delay attributable to the appellants, it has not been possible to take up the Civil Application seeking condonation of delay in filing the appeal or admitting the appeal. In the meanwhile, the appellants have obtained ad-interim relief. As a result the claimants are unable to execute the impugned award. The application for condonation of delay stands dismissed as against respondent Nos.1 and 2. The application for restoration also stands dismissed. In these circumstances it is appropriate that ad-interim order granted earlier is vacated. Accordingly, the ad-interim order stating the execution of the impugned award is vacated.

(M. S. SONAK, J.)