

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 3899 OF 2017
IN
FIRST APPEAL NO. 992 OF 2015

The National Insurance Co. Ltd. ... Applicant
Vs.
Mrs. Maya Pandharinath Jadhav & Ors. ... Respondents

Mr. Amol Gatne, Advocate for the applicant.
Ms. Vrushali Maindad i/b. Mr. Amod Kumar, Advocate for respondent
nos. 1 and 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 7th December, 2017.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved for restoration of First Appeal which was dismissed by conditional order dated 7th August, 2015.

3. The learned counsel for the applicant submitted that the First Appeal is admitted on 7th August, 2015. The applicant/insurance company has deposited the entire decretal amount along with interest accrued thereon, however, the Appeal was dismissed as the private paper book was not filed within the stipulated time. The learned counsel submitted that execution proceeding is filed against

the applicant/insurance company. The applicant/appellant is ready to file paper book within eight weeks and the appellant has good case on merits.

4. The learned counsel for respondent nos. 1 and 2/original claimants submitted that the claimants have taken out execution proceedings.

5. In view of the submissions, the conditional order dated 7th August, 2015 in clause (4) is hereby recalled and First Appeal is restored to its original file along with the Applications and orders passed therein. The applicant/appellant shall file the private paper book within 8 weeks from today. If the private paper book is not filed within the stipulated time, the Appeal shall stand dismissed forthwith without further referring to the Court.

6. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)