

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

**CIVIL APPLICATION NO.4198 OF 2017
IN
REJECTED CASE NO. 1197 OF 2017**

United India Insurance Co. Ltd. ...Applicant

Versus

Mr.Vimal Ratanlal Goenka & Ors. ...Respondents

.....
Mr.Amol A. Gatne for the Applicant.

.....
**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: DECEMBER 21, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for restoration of First Appeal (St.) No. 9401 of 2012 along with Civil Application Nos. 1374 of 2012 and 1373 of 2012 which were dismissed by the order dated 7th February, 2017 passed by this Court.
3. The learned counsel for the applicant has submitted that he has complied with the conditional order dated 7th February, 2017 and has deposited the costs in the trial Court within the stipulated

time as ordered. However, he failed to communicate the said fact to the Registry, High Court, Bombay and hence, Appeal was dismissed. He has further submitted that the First Appeal was dismissed before issuance of notice and, therefore, notice is not required.

4. In view of this submission, the conditional order dated 7th February, 2017 of dismissing the Appeal is hereby set aside. First Appeal along with Civil Applications are restored to their original file.

5. Civil Application is allowed and is accordingly disposed of.

6. Place the First Appeal for admission on 1st March, 2018.

(MRIDULA BHATKAR, J.)