

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

**MISC. CIVIL APPLICATION NO. 557 OF 2016
IN
FIRST APPEAL NO.181 OF 2015**

Nilkanth s/o Dukru Wadgaye,
Aged about 40 years, Occ: Labour,
R/o. Saori, Tah. Distt.Gondia. ..APPLICANT

VERSUS

National Insurance Company Ltd.,
Gondia Branch at Shree Talkies
Road, Tah. & Distt. Gondia
& ors. ..RESPONDENTS

Mr Prashant Gode, Advocate for applicant;

CORAM : N.W. SAMBRE, J.

DATE : 29th MARCH, 2017

ORAL ORDER :

This Court, in First Appeal No. 181 of 2015, by order dated 25th August, 2015, issued notice for final disposal. As the copy was not supplied for issuance of notice, appeal memo to be dismissed in default pursuant to Chapter VII Rule 2(iii) of the Bombay High Court Appellate Side Rules, 1960.

2. Restoration of the same is sought on the

(2)

ground that the copy has remained to be supplied inadvertently and for fault of lawyer, litigant may not be made to suffer.

3. In view thereof, in my opinion, the order dismissing the appeal is set aside, in view of oral undertaking that copy for issuance of notice would be supplied within a period of one week from today. If copy is not supplied, the order dismissing the appeal shall remain as it is. If copy is supplied, issue notice to the respondents as ordered.

4. Misc. Civil Application stands disposed of in above terms.

(N.W. SAMBRE, J.)

Tupe