

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

CIVIL APPLICATION NO.1675 OF 2017

IN MISC. CIVIL APPLICATION ST. NO.24315/2017

IN C.A.O. 1085/2016 IN M.C.A. NO.888/2017 IN REJ. FIRST APPEAL NO.925/2017
(Reliance General Insurance Co. Ltd. vs. Umashankar Sahebodin Asoriya and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri D.N. Kukday, Advocate for applicant.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 21, 2017

This application is filed for condonation of 49 days' delay caused in filing application for restoration of aforesaid appeal, which came to be dismissed for non removal of office objections.

For the grounds mentioned in para 1 of the application, delay caused is found satisfactorily explained. The same is condoned. The civil application is allowed.

MISC. CIVIL APPLICATION ST. NO.24315/2017

This application is for restoration of first appeal.

For the grounds mentioned in para 1 of the application and having considered subject matter of appeal, which is preferred by Insurance Company against judgment dated 22/4/2015 passed by Motor Accident Claims Tribunal, Amravati holding that Insurance

Company is liable to pay compensation in spite of fact of breach of policy condition, appeal is restored subject to appellant removing office objections within two weeks.

CIVIL APPLIATION NO.24371/2017

Shri Kukday, learned Counsel for applicant, makes a statement that entire decretal amount to the extent of Rs.8,98,000/- inclusive of N.F.L. amount with interest at the rate of 9% per annum from the date of petition till realisation shall be deposited with the Registry of this Court within two weeks and, therefore, prays for grant of ad interim stay.

In view of statement made as aforesaid, on appellant depositing entire decretal amount as per award dated 22/4/2015 passed by Motor Accident Claims Tribunal, Amravati in M.A.C.P. No.152/2011, there shall be stay to effect and operation of the impugned judgment and award.

JUDGE

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