

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

CIVIL APPLICATION NO. 16183 OF 2016 IN FA/1361/2014

NEW INDIA ASSURANCE CO. LTD
VERSUS
NAMDEO TUKARAM KALE AND OTHERS

...
Advocate for Applicant : Mr. Vinayak Narayan Upadhye.

...
CORAM : K.K. SONAWANE, J.
DATED : 15TH JANUARY, 2018.

Order :-

Heard learned counsel for applicant – Assurance Company. Perused the application and other relevant documents produced on record. The proceedings of First Appeal No. 1361 of 2014 with Civil Application filed on behalf of Assurance Company came to be dismissed for non-compliance of order of payment of Bhatta for further process. Learned counsel for applicant submits that he undertakes to deposit the amount of bhatta immediately, in case, the proceedings of appeal came to be restored at its original stage.

2. In view of reasons mentioned in the application and submission advanced at bar on behalf of applicant, there is no impediment to allow the application. Accordingly, application stands allowed in terms of prayer clause 'B'. The impugned order of dismissal in default of First Appeal with Civil Application dated 01-08-2014, is hereby set aside and quashed. The proceedings of First Appeal No. 1361 of 2014 with Civil Application No. 7297 of 2014 be restored at its original stage. The delay caused, if any, for filing present application is hereby condoned. Registry to take requisite steps for further process. After registration of appeal at its original stage, applicant/appellant shall deposit requisite Bhatta, failure to which, the present order shall stand vacated automatically without further reference to this Court and appeal be dismissed in view of earlier order passed by this Court.

3. The application stands disposed of in above terms accordingly.

[K. K. SONAWANE]
JUDGE

rrd.