

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 629 OF 2018**  
**IN**  
**FIRST APPEAL (ST.) NO. 27119 OF 2013**  
**(R.C. NO. 1763 OF 2017)**

United India Insurance Co. Ltd. ... Applicant  
Vs.  
Mrs. Rekha Kailas Yadav & Ors. ... Respondents  
  
Mr. Amol Gatne, Advocate for the applicant.

**CORAM: MRS.MRIDULA BHATKAR, J.**  
**DATE: 14<sup>th</sup> February, 2018.**

**P.C.:**

Upon mentioning, taken on production board.

2. This Application is moved for restoration of First Appeal and Civil Applications, which was dismissed for non-compliance of order dated 2<sup>nd</sup> March, 2015 within the stipulated time.

3. The learned counsel for the applicant submitted that the matter was dismissed before issuance of notice. He submitted that the applicant is ready to comply with the conditional order within two weeks from today. He submitted that there is a delay of 920 days in filing this Application and the delay caused is neither deliberate nor intentional, hence the same be condoned.

4. As this matter was dismissed for want of compliance of order before issuance of notice, hence no notice is required in the present Application. In view of this submissions and the reasons mentioned in the Application, the conditional order of dismissal is hereby aside and delay is condoned. First Appeal is restored to its original file along with Applications and the orders passed therein. The applicant shall comply with the conditional order within two weeks from today. If the order is not complied within the stipulated time, the Appeal shall stand dismissed forthwith without further referring to the Court.

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

**(MRIDULA BHATKAR, J.)**