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

**CIVIL APPLICATION NO. 1243 OF 2018
IN
FIRST APPEAL (STAMP) NO. 2951 OF 2017**

The New India Assurance Co. Ltd.	.. Applicant
Vs.	
Smt. Kamalabai Popat Aher & Ors.	.. Respondents

Ms. D. Shalini Shankar for the Applicant.

CORAM : K. K. SONAWANE, J.
DATE : 10th AUGUST, 2018.

P. C. :

1. Heard learned Counsel for the applicant-Insurance Company. Perused application and other relevant documents produced on record.
2. Learned Counsel for the applicant-Insurance Company submits that during the relevant period, the learned Counsel for the Insurance Company was hospitalized and due to which office objections could not be removed within stipulated period as directed by this Court under order dated 22.11.2017. Therefore, due to non compliance of the order passed by this Court, the proceeding came to be dismissed.
3. Admittedly, the matter pertains to compensation under the Motor Vehicles Act. The proceeding came to be dismissed for not removing the office objection due to hospitalization of the learned Counsel appearing for the applicant-Insurance Company. In such circumstances, there is no impediment to grant one more opportunity to the applicant-Insurance

Company to comply with the order for further process in the appeal. Hence, the application deserves to be allowed.

4. Accordingly, the application stands allowed. The impugned order of dismissal of Civil Application No. 3680 of 2017 in First Appeal (Stamp) No. 2951 of 2017 is hereby recalled. The proceeding be restored at its original stage. The applicant-Insurance Company shall remove the office objections notified by the Registry within two weeks after restoration of the proceeding once again on record, failing to which, the proceeding shall stand dismissed automatically without further reference to this Court and there will not be further restoration of proceeding at the instance of applicant-Insurance Company.

5. Accordingly, the Civil Application stands disposed in above terms.

Arjun
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[K. K. SONAWANE, J.]