

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.646 OF 2018
IN
REJECTED CASE NO.71 OF 2018

Bajaj Allianz General Insurance Co. Ltd. ... Applicant

Vs.

Surekha Ravindra Gawde & anr. ... Respondents

Mr.Gaurav S. h/f Sarthak S. Diwan for the Applicant
Mr.Niketani Nakhawa for Respondent No.1

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **FEBRUARY 15, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is taken out for restoration of the appeal, which stood dismissed pursuant to a conditional order dated 29.11.2017 passed by the Registrar (Judicial II).
3. The learned Counsel submits that by the said order dated 29.11.2017, the appellant was directed to remove office objections, failing which the registration of the appeal will be refused. It is also prayed that there is a delay of 69 days which may also be condoned. The learned Counsel for the applicant submits that inadvertently, the

conditional order was not complied with and hence the First Appeal was dismissed. The applicant is ready to remove the office objections within two weeks from today.

4. In view of the submission of the learned Counsel and for the reasons stated in the Civil Application, the delay of 69 days is condoned and the conditional order of refusal of registration of the appeal is set aside. The appellant shall remove all the office objections within two weeks from today. If the objections are not removed within the stipulated period, the appeal will stand dismissed without reference to Court.

5. At this stage, the learned Counsel appearing for the claimant submits that some Executing Court do not entertain the execution proceedings only on the ground that the appeal is filed. The Executing Court to take note that unless there is a stay granted by an appellate Court, there is no bar in entertaining the execution application.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)