

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

**CIVIL APPLICATION STAMP NO. 8479 OF 2018
IN
CIVIL APPLICATION NO. 3679 OF 2017
IN
CIVIL APPLICATION NO. 4558 OF 2016
IN
FIRST APPEAL STAMP NO. 29236 OF 2016
(RC NO. 1917 OF 2017)**

Reliance General Insurance Co. Ltd.	... Applicant
<i>In the matter between</i>	
Reliance General Insurance Co. Ltd.	... Appellant
Versus	
Rakesh Mansa Gupta and another	... Respondents
.....	
Ms D. Shalini Shankar for Applicant.	
.....	

CORAM : K. K. SONAWANE, J.

DATE : 13th AUGUST, 2018.

P. C.:

1. Not on board. Upon mentioning, taken on production board.
2. Heard learned Counsel for the applicant-insurance company.
Perused the application and the other relevant documents
produced on record.
3. Learned Counsel for the applicant-insurance company fairly

conceded that this Court (CORAM: MRS MRIDULA BHATKAR, J.) under order dated 22nd November, 2017 sets aside the earlier order dated 8th September, 2017 of dismissal of the proceeding, with liberty to remove office objections within a period of two weeks. But, the applicant-insurance company failed to remove office objections within stipulated period, which resulted into dismissal of the proceeding of First Appeal Stamp No. 29236 of 2016 once again for want of removal of office objections. Learned Counsel for the applicant-insurance company submits that during the relevant period, she was not keeping good health. The alternative arrangement was made, but all efforts did not evoke result. Eventually, the matter came to be dismissed for want of compliance of the order passed by this Court dated 22nd November, 2017. Learned Counsel undertakes to remove entire office objections within a period of three weeks, being last opportunity.

4. In view of above submissions, I do not find any impediment to afford one more opportunity to the applicant-insurance company to ventilate its grievances before the appellate forum for substantial justice. Hence, civil application deserves to be allowed.

5. Therefore, civil application is allowed in terms of prayer clauses (a) and (b). The impugned order of dismissal of present first appeal for want of compliance of directions for removal of office objections is hereby recalled. The delay caused for filing the present civil application also stands condoned. Registry to take requisite steps for restoration of the proceedings of First Appeal stamp No. 29236 of 2016 with Civil Application No. 3679 of 2017 at its original stage. The applicant-insurance company shall remove office objections notified by the Registry, within a period of three weeks being last opportunity, failure to which the present order shall stand vacated automatically without further reference to this Court.

6. Accordingly, civil application stands disposed of in above terms.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

Digitally signed by
Shridhar Marutirao Sutar
Date: 2018.08.14
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