

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4008 OF 2018
IN
FIRST APPEAL (STAMP) NO.4638 OF 2018
ALONG WITH
CIVIL APPLICATION (STAMP) NO.4641 OF 2018

Tata AIG General Insurance Co. Ltd., Mumbai Applicant
V/s.
Rekha Suresh Thorat and Ors. Respondents

Mr. Devendranath S. Joshi for the Applicant-Insurance Company.
None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 2ND NOVEMBER, 2018.

P.C. :

1. Heard Mr. Joshi, learned counsel for the Applicant-Insurance Company.
2. This is an application, with a prayer for condonation of delay in preferring the same, for restoration of the First Appeal, along with Civil Application thereto, which came to be dismissed for non-compliance of the office objection. The only office objection was that, the 'Court Fee Stamp' was not paid.
3. Learned counsel for the Applicant-Insurance Company submits that, the challan was already generated; however, on account of his inadvertence, the challan remained to be submitted to the 'Department' and hence, the Appeal came to be dismissed for default.

4. In view thereof, the delay is condoned. The Civil Application is allowed. The Appeal, along with Civil Application thereto, is restored to its original file, subject to the Applicant-Insurance Company submitting the challan today itself or by tomorrow i.e. 3rd November 2018.

5. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]