

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.139 OF 2018
IN
REJECTED CASE NO.2601 OF 2017

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

Vs.

Tukaram Suryaba Bandgar & Ors. ... Respondents

Mr.Ketan Joshi for the Applicant
Mr.B.A. Lawate for Respondent Nos.1 & 2

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JANUARY 16, 2018

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for restoration of the First Appeal which was dismissed for non-compliance of the conditional order. The appeal was dismissed on 30.10.2107. The learned Counsel for the appellant submits that the appeal is mainly filed against respondent Nos.1 & 2. He submits that there was no deliberate or intentional act on the part of the applicant and the applicant is serious to prosecute this matter and hence, prays for restoration of the First Appeal.

3. The learned Counsel for respondent Nos.1 and 2, the original claimants, is present and opposes the application. He submits that the original claimants are the parents of their only deceased son and are from rural area. He submits that he has already filed execution proceedings and the family needs money for survival.

4. Considering the submissions of the learned Counsel and this being a First Appeal, which was dismissed, the conditional order dated 30.10.2017 is set aside and the appeal is restored to file alongwith the Civil Applications.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)