

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2051/2019
IN
FIRST APPEAL NO.453/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.D.S. Joshi for applicant.
None for the respondents.

CORAM : K.K.TATED, J.
DATED : JUNE 11, 2019

P.C.

Not on board. On the basis of preceipe filed by learned advocate for applicant, the matter is shown on production board for urgent orders.

2. Heard learned counsel for applicant.

3. By this civil application, the applicant/Insurance Company is seeking to set aside order dated 18.08.2017 by which first appeal no.453/2017 and civil application no.1536/2017 stands dismissed for non removal of office objection.

4. Learned counsel for applicant submits

that the applicant being aggrieved by judgment and award dated 16.7.2016 passed by the Motor Accident Claims Tribunal Sangli, in M.A.C.P.No.37/2014, filed the present first appeal alongwith civil application.

5. The learned counsel for the applicant submits that, first appeal and civil application stood dismissed for non removal of office objections, vide order dated 18.08.2017 passed by the learned Registrar (Judicial-II) directing the applicants to supply extra copies of appeal memo and civil application for service on other side within two weeks. He submits that inadvertently it remained on the part of applicant to supply copy of first appeal and civil application. He submits that the applicant is ready to comply with the said order immediately. He submits that they have good chance of success in the matter. He submits that, in the interest of justice, this Court be pleased to set aside order dated 18.8.2017 passed by the learned Registrar and restore the first appeal and the civil application for hearing on its own merits. He submits that if application is not allowed irreparable loss

and injury will be caused to the applicant.

6. Considering the submissions made by the learned advocate for the applicant, the averments made in civil application and the fact that litigant should not suffer because of mistake on the part of advocate, I am satisfied that applicant has made out a case for allowing this civil application, but at the same time, they have to pay cost of Rs.7,500/-.

7. Hence, the following order.

a) Order dated 18.8.2017 passed by the Registrar (Judicial II) is set aside.

b) First appeal no.453/2017 and civil application no.1536/2017 are restored on file for hearing on its own merits.

c) Applicant to remove all office objections as per order dated 18.8.2017 passed by the Registrar (Judicial -II) on or before 12.7.2019 failing which civil application shall stand dismissed without referring back to the Court.

- d) Applicant to pay cost of Rs.7,500/-.
- e) Cost be deposited in Kirtikar Law Library, High Court, Main Building, Mumbai on or before 12.07.2019 and place a receipt thereof on record failing which, the civil application shall stand dismissed without referring back to the Court.
- f) Civil application disposed of accordingly.

(K.K.TATED, J.)