

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.213/2019
IN
CIVIL APPLICATION NO.1510/2018
IN
FIRST APPEAL (ST)36110/2017

Reliance General Insurance Co.Ltd..... Applicant.

Vs.

Narendra N. Chawla & Ors. ... Respondents.

Mrs.Shalini Shankar,advocate for applicant.

CORAM : K.K.TATED, J.

DATED : 27th June, 2019.

P.C.

Heard learned counsel for applicant.

2. By this civil application, applicant/Insurance Company is seeking to set aside order dated 3.4.2019 passed by the learned Registrar (J-II) by which civil application no.1510/2018 preferred by applicant for condonation of delay in filing first appeal, stand dismissed for non removal of office objections.

3. Learned counsel for applicant submits that inadvertently, it remained on their part to remove office objections within time. He submits that in the interest of

justice, this court be pleased to set aside said order and restore Civil Application no.1510/2018 alongwith first appeal for hearing and final disposal on its own merits. If application is not allowed, irreparable loss would be caused to applicant.

4. Heard learned counsel for parties.

5. It is to be noted that civil application no.1510/2018 was on board before learned Registrar Mr.V.R. Kachare (Judicial-II) on 14.3.2019 and 3.4.2019. On that day no one appeared on behalf of the applicant.

6. Considering the submissions made by the learned counsel for applicant and the averments made in civil application, I am satisfied that applicant has made out a case for allowing application. But at the same time, they have to pay cost of Rs.2,500/- because when the matter appeared before learned Registrar, no one appeared on behalf of them.

7. Hence, the following order.

a) Order dated 3.4.2019 passed by Learned Registrar (J-II) is set aside.

- b) Civil application no.1510/2018 with First appeal (St) 36110/2017 is restored on file for hearing on its own merits.
- c) Applicant to take appropriate steps of service on respondent nos.1 and 2 in civil application no.1510/2018 within four weeks from today failing which first appeal itself will stand dismissed without referring back to the court.
- d) Applicant to pay cost of Rs.2,500/-.
- e) Cost be deposited in Kirtikar Law Library, High Court, Main building, Mumbai on or before 20.07.2019 and place on record receipt thereof failing which, the civil application shall stand dismissed without referring back to the court.
- f) Civil application stands disposed of.

(K.K.TATED, J.)

