

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1826/2016
in
First Appeal (ST) No.21099/2015

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. M. M. Sathaye for the Applicant
Ms. Varsha Chavan for Respondent Nos.1 to 4.

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 30, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking condonation of 382 days delay in preferring the appeal challenging the judgment and award dated 18.10.2013 passed by the MACT, Mumbai in application No.3460/2008 holding that the Respondent-Claimants are entitled to sum of Rs.5,57,000/- by way of compensation @ 7.5% p.a.

2 The matter was on board before this court on 22.08.2019. At that time, at the request of the Applicant this court had granted time till 21.09.2019 to take appropriate steps for restoration of the

Civil Application against Respondent Nos.5 to 7, failing which the entire Civil Application would stand dismissed without further reference to the court.

3 It is to be noted that in the present proceedings, by order dated 29.10.2018 passed by the learned Registrar (Judicial-I), the Civil Application stood dismissed against Respondent No.5 - original claimant No.5 Kailash Nandlal Sharma, Respondent No.6 - Claimant No.6 Mrs. Kamladevi Kailas Sharma and Respondent No.7 - claimant No.7 Ramanand D. Yadav, the owner of the offending vehicle. Though the time was granted, the Applicant has failed to take appropriate steps. Hence, nothing survives in the Civil Application.

4 Hence, following order is passed:

a. Civil Application No.1826/2016 stood dismissed in view of conditional order dated 22.08.2019.

b. In view of dismissal of the Civil Application for condonation of delay, registration of the First Appeal stands rejected.

c. In view thereof, Civil Application No.1827/2016 for stay stands dismissed as infructuous.

d. No order as to costs.

(K.K.TATED, J.)