

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2977 OF 2019
IN
FIRST APPEAL NO. 981 OF 2017

Future Generali India Insurance Co. Ltd. ... Applicant

v/s.

Garima Gajendra Vyas & Ors. ... Respondents

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Mr. D. R. Mahadik for the Appellant.

Mr. Rina Kundu for the Respondents No. 1 to 3.

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CORAM : K. K. TATED, J.

DATED : AUGUST 29, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this Civil Application the applicant Insurance Company are seeking restoration of First Appeal No. 981 of 2017 with Civil Application No. 2753 of 2017 which stand dismissed against Respondent no. 4 by order dated 11th June, 2018 passed by the Registrar (Judicial-II).
3. The Learned Counsel for the applicant submits that it remain on their part to remove all office objection within time. Hence matter stand dismissed against Respondent No. 4. He submits that now the present correct address of Respondents no. 4 is available. He submits that in interest of justice, be pleased to condone the delay in filling

Civil Application and restore the matter against the Respondents No.4.

4. Considering the submissions made by the learned Counsel for the applicant and averments made in First Appeal, I am satisfied that applicant has made out a case for allowing the Civil Application. There is delay of 1 year. Hence, applicant to pay cost of Rs. 1,500/-.

5. Hence, the following order is passed:

A) Delay in filing First Appeal, is condoned.

B) Civil Application allowed in terms of prayer clause 'a' which reads thus:

" (a) The Conditional Order dated 11.06.2018 passed by Learned Registrar (Judicial – II) against respondent No. 4, be set aside and the aforesaid First Appeal may be restored to the appropriate list."

C) Applicant to pay the cost of Rs. 1,500.

D) Costs to be deposited in Kirtikar Library, First Floor, High Court Bombay on or before 21st September, 2019 and place on record a receipt to that effect, failing which, Civil Application shall stand dismissed without referring to the Court.

(K. K. TATED, J)