

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3548 OF 2018
IN
FIRST APPEAL NO.828 OF 2012**

The Oriental Insurance Co. Ltd. .. Applicant/Appellant
Vs.
M/s.Jai Bhagwan Deswal & Ors. .. Respondents

Ms.Urmila K. Sanil for the applicant/appellant.
Ms.Kavita Anchan for the respondents.

**CORAM : R.D.DHANUKA, J.
DATE : 14th November 2019**

P.C.:

. By this civil application, the applicant seeks condonation of delay of 4 years and 245 days in filing the civil application and for restoration of the first appeal which was dismissed in view of non-compliance of the conditional order passed by this Court on 2nd November 2012 directing the applicant to file private paper book within one year from the date of the said order. This application is vehemently opposed by the respondent by filing affidavit-in-reply.

2. I have perused the averments made in the civil application. In my view, delay is explained in paragraph 4 of the civil application. Thus, there is no substance in the submission made by the respondent in affidavit-in-reply for granting reliefs as prayed.

3. Civil application is made absolute in terms of prayer clauses (a) to (c). The applicant is directed to pay costs of Rs.10,000/- to the respondent within two weeks from today. Hearing of the first appeal is expedited.

4. Learned counsel for the applicant undertakes to file private paper book within two weeks from today with a copy to be served upon the respondents' advocate simultaneously. Undertaking is accepted. It is made clear that no further extension of time would be granted.

5. If the private paper book is filed within the time prescribed, the office is directed to accept the same. If the private paper book is not filed within the time prescribed, first appeal to stand dismissed without further reference to the Court.

R.D.DHANUKA, J.