

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

**CIVIL APPLICATION NO.423 OF 2018
IN
CIVIL APPLICATION (ST.) NO.29983 OF 2016
IN
FIRST APPEAL NO.992 OF 2011**

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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Ms.Jyoti Bajpayee for the applicant

**CORAM : K. K. TATED, J
DATE : MARCH 27, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant Insurance Company is seeking restoration of Civil Application (ST) No.29983 of 2016 in First Appeal No.992 of 2011 which stand dismissed for non-removal of office objections as per order dated 14.02.2017 passed by Registrar (Judicial-II).

3 Office note shows that even in filing of

First Appeal there is a delay. That delay was condoned by this court by order dated 28.10.2010 in Civil Application No.592 of 2010.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application but at the same time they have to pay cost of Rs.20,000/- for Respondent original Claimant. Hence, following order is passed:

- a. Delay of 234 days delay in filing Civil Application is condoned.
- b. Order dated 14.02.2017 passed by learned Registrar (Judicial-II) is set aside.
- c. Civil Application (ST) No.29983 of 2016 is restored on file for hearing on its own merits.
- d. Applicant to deposit sum of Rs.20,000/- in the Registry of this court on or before 30.04.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- e. If cost is deposited within stipulated time as stated hereinabove, same can be withdrawn by the Claimant without furnishing any security.
- f. Civil application stands disposed off accordingly.

g. No order as to costs.

(K.K.TATED, J.)