

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.4011 of 2018
in
First Appeal St.No.14289 of 2018

ICICI Lombard General Insurance Co. Ltd., Mumbai
vs.
Durga w/o Dinesh Brahmkar & others

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri Mayank Agnihotri, Adv. h/f Ms. Ashwini Athalye, Adv. for the
 Appellant.
 None for the Respondents.*

CORAM : S.M. MODAK, J.
DATE : 18th DECEMBER, 2020

Heard.

There is a delay of 59 days in preferring an appeal. Though respondent Nos.1 to 3 were served and they are represented through Advocate, no one is present on their behalf. Respondent No.4 though served, has not appeared.

The Registrar (Judicial) has dismissed the proceedings against respondent No.5 for want of taking steps. Considering his role, the concerned application can be decided in his absence. The delay is properly explained and the reasons mentioned in the application are convincing.

Hence, the delay of 59 days caused in preferring the appeal is condoned

The application is allowed and disposed of accordingly.

First Appeal St. No.14289/2018 :

Heard.

Admit.

Issue notice to the respondents.

Respondent Nos.1 to 3 may be served through learned Advocate Shri R.M. Pande. Respondent No.4 may also be served again. The appellant to take steps for service on respondent No.5.

Call for record and proceedings.

Civil Application [CAF] No.4012/2018 :

Heard.

Stay is granted to the execution of the impugned judgment subject to depositing of the decretal amount within a period of two months. If the amount is not deposited, stay will stand vacated automatically.

The application is allowed and disposed of accordingly.

JUDGE

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