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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1652 OF 2012
WITH
INTERIM APPLICATION NO. 1374 OF 2021**

The New India Assurance Co. Ltd. ...Appellants

Versus

Laxmibai Sakharam Modhave ...Respondents

Mr. S.M. Dange, for the Appellants/Applicants.

Mr. U.B. Nighot, for Respondent No. 1.

CORAM: Smt. Bharati Dangre, J.

DATED: 21st December 2021

P.C.:-

INTERIM APPLICATION NO. 1374 OF 2021:

1. By Interim Application No. 1374 of 2021, the Applicant seek restoration of the First Appeal which came to be dismissed on account of non-removal of office objections, being the paper-book not supplied within eight weeks. By an order dated 24.01.2019, this Court had directed the Appellant in several appeals to file paper-book within eight weeks, failing which the appeal was directed to be dismissed without reference to the Court.

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The Counsel for the Appellant submit that the order was passed in a bunch of first appeals and, therefore, he was not aware that the appeal which is already admitted has been dismissed.

2. The delay in bringing the Application, being of one year and 359 days is sought to be condoned on account of lack of knowledge.

On hearing the Counsel for the Applicant, I am convinced that the delay in bringing the Application deserves to be condoned and First Appeal No. 1652 of 2012 is entitled to be restored to its file.

3. Interim Application No. 1374 of 2021 is made absolute in terms of prayer clauses (a), (b) and (c).

FIRST APPEAL NO. 1652 OF 2012:

4. The Counsel for the Appellant seek withdrawal of the First Appeal unconditionally. The Appeal is permitted to be withdrawn and is disposed of as such.

5. If the Rules permit, the court fee shall be refunded to the Appellant.

(Smt. Bharati Dangre, J.)