

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.393 OF 2021
IN
CIVIL APPLICATION NO.1888 OF 2018
IN
REJECTED CASE NO.487 OF 2020
IN
FIRST APPEAL [STAMP] NO.23622 OF 2017**

Bajaj Allianz General Insurance Co. Ltd.] Applicant

Vs.

Sandhya Jindas Kate and another.] Respondents

.....
Mr. Sarthak S. Diwan, for Applicant.

None for Respondents.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 24th FEBRUARY, 2021.

P.C:

1. This is an application moved by the appellant-insurer with following prayers;

- (a) To allow the present Interim Application entirely;
- (b) To condone the delay of 361 days occurred in filing the Interim Application;

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- (c) To recall the conditional Order dated 24.01.2020 passed by the Hon'ble Court Registrar Judicial-II in Civil Application No.1888 of 2018 in First Appeal (Stamp) No.23622 of 2017 (**Exh.-B**) and to restore the same to its original file along with all its application;
- (d) To grant such additional reasonable time to the Applicant to remove office objections as this Hon'ble Court may deem just and proper;
- (e) Such other just, equitable and consequential orders may be passed in favour of the Applicant”.

2. Registrar (Judicial-II) of this Court on 24th January, 2020 granted four weeks time to the applicant to take steps against the unserved respondents No.1 and 2, failing which, it is stated that the Civil Application would be dismissed.

3. There is a delay of 361 days in filing an interim application.

4. Reasons assigned in the application are absolutely unsatisfactory and unjustifiable. Secondly, it is composite application seeking multiple reliefs of not only condoning the delay but also recalling the order passed by the Registrar (Judicial-II) on 24th January, 2020.

5. Considering the aforesaid facts, in the interest of justice, delay is condoned subject to costs of Rs.5,000/- to be deposited in the Registry of this Court within one week.

6. After depositing the costs, order passed by the Registrar (Judicial-II) dated 24th January, 2020 would be recalled and thereafter, Civil Application No.1888 of 2018 would be restored.
7. List the matter for compliance on 3rd March, 2021.

[PRITHVIRAJ K. CHAVAN, J.]