

Santosh

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

**INTERIM APPLICATION NO. 3858 OF 2021
IN
FIRST APPEAL NO. 1441 OF 2019**

National Insurance Co. Ltd.	...Applicant
In the matter between	
National Insurance Co. Ltd.	...Appellant
Versus	
Meghana Mukund Bobade & ors.	...Respondents

Ms. Urmila Sanil, for the Applicant/Appellant.

**SANTOSH
SUBHASH
KULKARNI**

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SANTOSH SUBHASH
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Date: 2021.12.13
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CORAM: N. J. JAMADAR, J.

DATED : 9th DECEMBER, 2021

PC:-

1. Heard Ms. Sanil, the learned Counsel for the applicant.
2. At the outset, the learned Counsel for the applicant seeks leave to amend the application.
3. Leave to amend.

Amendment be carried out forthwith.

4. This application is taken out to restore the First Appeal No.1441 of 2019, which came to be dismissed for default in filing the paper-book within the period of one year from the order dated 28th August, 2019 and also for restoration of the interim order passed by this Court on 28th August, 2019 in Civil

Application (St) No.22261 of 2019, whereby stay was granted to the execution, operation and implementation of the judgment and award dated 25th April, 2019 in MACP No.622 of 2013, subject to deposit of the entire amount of compensation along with interest accrued thereon, within a period of four weeks thereof.

5. The learned Counsel submits that the applicant – insurer could not deposit the entire amount of compensation along with interest accrued thereon, in terms of the said order, within the stipulated period.

6. The learned Counsel further submits that the appellant did not file the paper-book also within the stipulated period of one year.

7. The learned Counsel candidly submits that the default occurred due to inadvertence on her part in not communicating the orders to the appellant – insurer.

8. The appellant – insurer has, however, deposited the entire amount of compensation along with the interest accrued thereon, on 11th November, 2021.

9. The learned Counsel for the appellant submits that the appellant will furnish the paper-book within a period of one week.

10. In view of the aforesaid submissions and to advance the cause of substantive justice, the application stands allowed as follows:

- (I) The order dated 28th August, 2019 dismissing the appeal for not filing the paper-book within the stipulated period stands recalled.
- (ii) First Appeal No.1441 of 2019 stands restored to file.
- (iii) The interim order dated 28th August, 2019, stands restored.

11. Let the paper-book be filed within a period of one week from today.

[N. J. JAMADAR, J.]