

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

Civil Application (CAF) No.990/2021
IN
First Appeal Stamp No.5902/2021

Bharti Axa General Insurance Co. Ltd. **Vs.** Sajida Begam wd/o Mehmood Khan & Ors

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

Court's or Judge's Orders

Shri R.D. Bhuibhar, Advocate for the Applicant/Appellant.

CORAM : S.M. MODAK, J.
DATE : 7th MAY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard learned Advocate Shri Bhuibhar for the appellant.

According to appellant, there is no delay on the basis of the order passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No.3/2020. However, the office has calculated the delay of 6 days.

The impugned judgment is pronounced on 7th December, 2020. Whereas, the present appeal is filed on 19th April, 2021. Read the order dated 8th March 2021 passed in that petition. The period from 15th March, 2020 up to 14th March, 2021 is excluded while computing the period of limitation. The said direction is applicable to this appeal.

In view of that, the delay is condoned. The office objection is removed. There is no need to issue notice to respondents.

The civil application is disposed of.

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Stay is granted to the execution of the impugned judgment and decree, subject to deposit 50% of the decretal amount within a period of eight weeks.

The civil application is disposed of.

The respondent No.1/original claimant is liberty to ask for withdrawal.

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Heard.

Admit.

Issue notice to the respondents.

Call for record and proceedings.

JUDGE