

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

CIVIL APPLICATION (CAO) NO.784/2021
IN
MISC. CIVIL APPLICATION (ST) NO.9794/2021
IN
FIRST APPEAL NO.63/2013.

Bajaj Allianz General Insurance Co. Ltd. Vs. Sau. Alka Bhaskar Nemade and Ors.

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

Court's or Judge's orders

Mr. D. N. Kukday, Advocate for Appellant/applicant.

CORAM : M. S. SONAK, J.

DATE : 09/12/2021.

1. Heard Mr. D. N. Kukday, learned Counsel for the appellant/applicant.
2. He submits that the First Appeal No.63/2013 was dismissed for non-prosecution.
3. This is an application for condonation of delay of 1069 days in seeking restoration. There is a separate application bearing Misc. Civil Application (St.) No.9794/2021 seeking restoration.
4. Mr. D. N. Kukday, leaned Counsel for the appellant/applicant submits that the appellant/applicant-Insurance Company wishes to withdraw this appeal and pursis to that effect has already been filed.
5. Accordingly, these two applications are allowed.
6. The delay is condoned and the First Appeal No.63/2013 is restored to the file of this Court.

7. However, the pursis dated 18.08.2021 seeking leave to withdraw the First Appeal No.63/2021 is also accepted and leave is granted to withdraw this First Appeal.

8. The First Appeal is disposed of, as withdrawn.

9. The appellant/applicant will be entitled to refund of court fees in terms of the admissible rules.

10. The amount which the appellant/applicant have deposited in this Court can now be withdrawn by the claimants along with the accrued interest.

11. The registry to take steps to transfer this amount to the bank account of the claimants as may be indicated by them.

(M. S. SONAK, J.)

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