

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

997 CIVIL APPLICATION NO.12449 OF 2022
IN FIRST APPEAL NO.1980 OF 2012

...
NEW INDIA ASSURANCE CO. LTD. AURANGABAD
VERSUS
MEERABAI NAMDEV KHARAT & OTHERS

...
Advocate for the applicant : Mr.S.G.Chapalgaonkar
Advocate for respondent no.7 : Mr.S.V.Kulkarni

...
CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

1] Though respondent nos.1 to 5 are served, none present for respondent nos.1 to 5.

2] Heard the learned counsel for the applicant. The learned counsel for the applicant submits that this Court [Coram : K.K.Tated, J.], by order dated 15th September, 2014, had directed the appellant - applicant to file paper book in First Appeal No.1980 of 2012 within eight weeks and serve the copies to the otherside within 10 weeks, failing which, the First Appeal shall stand dismissed without referring back to the Court. The applicant -

appellant could not file paper-book within stipulated period as directed by this Court. The said mistake has happened inadvertently. The applicant - appellant has challenged the order passed by the Tribunal. In the interest of justice, the appellant be given chance to put it's side, hence, requested to allow the application.

3] Heard the learned counsel for the applicant and the learned counsel for respondent no.7. This Court has directed the appellant – applicant to file paper book within stipulated time but it was not filed. It is the contention of the learned counsel for the applicant that inadvertently the applicant could not file the said paper book within time. The applicant – appellant has challenged the order passed by the Tribunal, hence, it is necessary to give fair opportunity to the appellant to put it's side. It is informed that the claimants have already withdrawn the amount deposited by the applicant, hence, I pass the following :-

ORDER

i] The order passed by this Court dated 15th

September, 2014 is recalled. The applicant – appellant is directed to file private paper book in First Appeal No.1980 of 2012 within three weeks from today and shall serve copies to the otherside thereafter within three weeks, failing which, the application shall stand dismissed without reference to the Court.

ii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC