

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1594 OF 2022
IN
FIRST APPEAL (ST.) NO.96754 OF 2020

Reliance General Insurance Company]
Ltd., Mumbai.] ... Applicants

Vs.

Mahesh Arun Shirke & Anr.] ... Respondents

...

Mr. Pandit Kasar for the applicants.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

1. By the present application, the applicants are seeking restoration of the first appeal, which was dismissed for default on account of non-removal of office objections, on 15/03/2021.
2. Heard the learned counsel for the applicants and perused the application.

3. Paragraph No.4 of the application justifies the restoration of appeal, by condoning the delay if any, since the dismissal is by order dated 15/03/2021 and the application is filed on 08/02/2022 and the applicants are entitled for the benefit of the order of the Hon'ble Apex Court, postponing the limitation, in the wake of the Covid-19 pandemic.

4. The interim application is allowed in terms of prayer clause (a). The first appeal is restored to its file.

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5. The learned counsel for the appellant-Insurance Company states that he has instructions to withdraw the first appeal.

6. Permission is granted. The first appeal is allowed to be withdrawn and is disposed off as such.

7. This, however, will create an entitlement in the claimants to apply for withdrawal of the amount of compensation granted in their favour, by the impugned judgment. The Tribunal shall permit the claimants to withdraw the entire amount of compensation deposited by the Insurance Company along with accrued interest.

8. On withdrawal of the first appeal, refund of court fees, as per

rule, shall be made over to the Insurance Company.

9. The statutory amount, which has been deposited in this court by the Insurance Company, shall be remitted to the Tribunal and the Insurance Company will be at liberty to withdraw the same.

10. In view of withdrawal of the first appeal, all connected interim applications are disposed off.

[SMT. BHARATI DANGRE, J.]