JAYARAJAN ANJAKULATH NAIR
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Date: 2022.03.22 11:12:00 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1608 OF 2022

IN

FIRST APPEAL (ST.) NO.5463 OF 2020

Bajaj Allianz General Insurance Co. Ltd.	]]	…	Applicant
Vs.			
Deepak Akaram Parab & Anr.	]	…	Respondents

…

Mr. Sarthak S. Diwan for the applicant.

Mr. T.J. Mendon for respondent No.1.

…

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

INTERIM APPLICATION NO.1608 OF 2022

1. By the present application, restoration of the appeal, which came to be dismissed on account of non-removal of office objection, in terms of order dated 07/10/2021 passed by the

Registrar (Judl.) is sought.

2. Heard the learned counsel for the applicant-Insurance Company and perused the application.

3. The application proceeds to state that the applicant was not having any knowledge about the conditional order being passed and it is only at a subsequent stage, it became aware of the same. He is taking shelter of the judgment of the Hon’ble Apex Court where the period of limitation came to be extended in the wake of the Covid-19 pandemic.

4. Perusal of the application and specifically paragraph Nos.2 to 5 therein, offer sufficient explanation for the delay of 135 days. The delay deserves to be condoned and is condoned. Necessarily, the order dismissing the appeal is set aside and the First Appeal is restored to the file. The application is disposed off.

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

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 The first appeal is permitted to be withdrawn and is disposed off as such.

7. The learned counsel for the appellant on instructions, makes a statement that the entire amount of compensation shall be deposited by the Insurance Company within a period of eight weeks from today, by calculating the interest till the date of withdrawal of the appeal. On the amount being deposited the claimants shall be at liberty to apply for withdrawal of the same 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.]

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