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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1965 OF 2020

IN

REJECTED CASE NO. 1453 OF 2019

Shriram General Insurance Company Ltd
Thr. Mr Vishal Nevale

.....Applicant

V/s.

Smt Rajwinder Kaur Surjit Singh and Ors

.....Respondents

Mr. Nikhil Mehta Advocate for the Applicant.

CORAM : GAURI GODSE, J.

DATE : 12th September 2022

P.C.

1. This application is filed for restoration of First Appeal. By an Order dated 1st July 2019, conditional order was passed by Registrar(Judicial-II). Conditional time was granted to remove office objections. Office Objections were not removed and hence Appeal is dismissed and numbered as Rejected Case No. 1453 of 2019.

2. Learned Advocate for the Applicant states that only objection raised by the office was with respect to not furnishing payment receipt for the amount paid as per the impugned Judgment and Order. Learned Advocate further states that receipt was misplaced by the Applicant, hence, the same could not be filed. He relies upon undated letter which is annexed to the main appeal compilation, to show that the cheque for the amount of Rs.9,27,037/- was paid. Hence, he submits that office objections be waived.

3. Perusal of the letter only gives reference to the cheque being deposited, however, there is no compliance report and/or any further proof showing that the amount was encashed and/or actually deposited. Hence objection raised by the office cannot be waived.

4. Considering the reasons given in the Application, the Application is allowed in terms of prayer clause (a) subject to following conditions:-

- i) The Applicant shall remove all office objections within a period of four weeks from today.
- ii) Applicant is at liberty to file necessary compliance to show that the amount has been actually deposited in the Tribunal.

5. Prayer clause (a) reads as under;

“(a) That this Hon’ble Court be pleased to restore the present First Appeal along with all the Civil Applications.”

6. Application is allowed in the above terms.

[GAURI GODSE, J.]