

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

**CIVIL APPLICATION (CAO) NO. 677/2022**  
**CIVIL APPLICATION (CAF) NO. 2002/2022 IN FA.ST. NO.23176/2018**

The New India Assurance Co. Ltd., through its Divisional Manager  
Vs.

Smt. Indira Wd/o Shantaram Tumdam and others

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

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Shri A.W. Paunikar, Advocate h/f Shri S.D. Zoting, Advocate for appellant

**CORAM : SMT. M.S. JAWALKAR, J.**

**DATE : 08/09/2022**

The present application is filed for condonation of delay in filing application for restoration. The appellant filed first appeal wherein, respondent No.7 was unserved and matter was dismissed against respondent No.7, as no steps were taken against unserved respondent No.7. There is delay of 300 days in filing restoration application. It is submitted that inadvertently the matter was not marked and therefore the steps remained to be taken against respondent No.7.

2. The reasons stated for delay in filing restoration application appear to be genuine. There is no intentional or deliberate delay in filing restoration application. Accordingly, delay in filing restoration application is condoned.

3. The application is disposed of.

**CIVIL APPLICATION (CAF) 2002/2022**

The present application is filed for restoration of Civil Application (CAF) No.1100/2019 in First Appeal Stamp No.23176/2018. There was delay in filing first appeal. The steps to serve respondent No.7 in the said application were remained to be taken inadvertently and appeal came to be dismissed by order dated 03/03/2020 passed by Registrar (Judicial).

2. For the reasons stated in the application, I am satisfied that there is no deliberate or intentional delay and also there are sufficient reasons for not taking steps to serve respondent No.7. Accordingly, application is allowed. The order passed by Registrar (Judicial) dated 03/03/2020, is hereby set aside.

3. The Registry is directed to permit the appellant to take necessary steps to serve respondent No.7 within three weeks.

4. The application stands disposed of.

**(SMT. M.S. JAWALKAR, J.)**