

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

CIVIL APPLICATION [CAO] NO.495 OF 2022

IN

MISC. CIVIL APPLICATION ST. NO.10378 OF 2022

IN

FIRST APPEAL NO.1006 OF 2016

[Bajaj Allianz General Insurance Company Limited, Chandrapur .vs. Smt. Ashwini wd/o Gajanan
 Khangar and others]

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

Court's or Judge's orders

 Shri D.N. Kukday, Advocate for appellant.

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

DATE : 20/07/2022.

It appears that the appellant was directed to file paper book within three months vide order dated 18.06.2021, on failure to which, the appeal shall stand dismissed without reference to the Court. As per order of this Court, it appears that paper book was filed on 26.08.2021 by dropping into the drop box, which is well within time granted by this court. There is some error on the part of administrative side and it was not noticed by the Registry, the matter came to be dismissed on 18.06.2021.

2. Learned counsel for the appellant came to know of the order passed by the learned Registrar (Judicial) dated 20.09.2021 by which appeal was

dismissed for want of filing of paper book. Therefore, present application for condonation of delay in filing the application for restoration of First Appeal came to be filed.

3. In view of aforesaid submissions, I am satisfied that there is error on the part of administrative side. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) The delay in filing restoration application is hereby condoned.

(iii) The order passed by the Registrar (Judicial) dated 18.06.2021 is hereby quashed and set aside.

(iv) Misc. Civil Application is also allowed.

(v) Registry is directed to register First Appeal on its original number.

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After restoration, issue notice to the respondents, returnable within three weeks.

[Smt. M.S. Jawalkar, J.]