

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

CIVIL APPLICATION (CAO) NO. 274 OF 2022
AND
MISC. CIVIL APPLICATION (MCA) (ST) NO. 15604 OF 2021
IN
FIRST APPEAL NO. 715 OF 2011

Dadarao Vasantrao Daware (Dead) and Ors.

Vs.

Vasantrao Abarrao Khondar/Khandar and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.S. Patil, Advocate for appellants.
Mr. Ajay V. Joshi, Advocate for respondent No.2.

CORAM : ABHAY AHUJA, J.

DATE : 30.09.2022.

These are the applications, seeking condonation of delay of 1087 days in filing application for restoration of the appeal, which was dismissed by a self operative order of this Court dated 24.03.2017, for non-filing of paper-book and for restoration of the first appeal.

2. Mr. Patil, learned counsel submits that the paper-book was not filed inasmuch as they were considering the applicability of the decision of the Supreme Court in the case of *National Insurance Co.*

Ltd. Vs. Balakrishnan and another, reported in **2013 ACJ 199** to the facts of this case.

3. Learned counsel submits that the delay be condoned and the appeal be restored in the interest of justice.

4. Mr. Joshi, learned counsel for the respondent No.2 – Insurance Company, has no objection, if the appeal is restored.

5. Having heard the learned counsel for the appellant and having perused the application, the applications stand allowed.

6. Let the delay of 1087 days be condoned and the appeal be restored.

7. Accordingly, the civil applications are allowed and disposed.

First Appeal No. 715/2011

Let a copy of memo of appeal along with complete annexures be served on the counsel for the Insurance Company, during the course of the day.

2. List the matter on **11.11.2022**.