

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

CIVIL APPLICATION (CAF) NO.1914/2022

IN

CIVIL APPLICATION NO.388/2020

IN

FIRST APPEAL NO.425/2016

Shriram General Insurance Co. Ltd.

Vs.

Smt. Manda Dinkarrao Rajnekar 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 P.N. Khadgi, Advocate for applicant
Shri Sawan Alaspurkar, Advocate for respondent Nos.1 to 4
Ms Shreya H. Bhagat, Adv. h/f Shri P.R. Agrawal, Adv. for respondent No.6

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

DATED : 26/08/2022

The present application is filed for deleting the name of respondent Nos. 5 and 7 from the array of respondents. There are applications for restoration of appeal and condonation of delay in filing restoration application. The respondent Nos.5 and 7 were unserved. It is informed that the respondent Nos.5 and 7 are the drivers of the vehicle and are formal parties. Permission is sought to delete their names. The application is allowed.

2. Permission to delete the name of respondent Nos.5 and 7 is granted at the risk and consequences of appellants.

3. Necessary amendment to be carried out within one week.

CIVIL APPLICATION ST. NO.21460/2019

1. The present application is filed for condonation of delay in filing restoration application. The delay is of 137 days.

2. It appears that First Appeal No.425/2016 has been dismissed, in view of the order of this Court dated 30/11/2018. By this order, six months time was granted to file paper book, failing to which, the matter was dismissed without reference to this Court. The appellant got knowledge that matter is dismissed for want of filing paper book when application for withdrawal of amount was moved by respondent Nos.1 to 4. There is delay of 137 days. The delay is neither intentional nor unreasonable. Hence, I am inclined to allow the same. The delay of 137 days in preferring Misc. Civil Application for restoration is hereby condoned.

3. The application is disposed of accordingly.

MISC. CIVIL APPLICATION STAMP NO.21458/2019

1. The present application is filed for restoration of First Appeal which was dismissed by order dated 30/11/2018. It is submitted that by this order, directions were given to submit paper book within six months, failing which appeal to stand dismissed without reference to this Court. The learned Counsel for appellant got knowledge of the same when application for withdrawal of amount was moved by respondent Nos.1 to 4.

2. Considering the reasons mentioned in the

application, the application is allowed.

3. The Registry is directed to restore the First Appeal to its original number.

4. In view of the fact that record and proceedings are received and matter pertains to the year 2016, filing of the paper book is dispensed with.

5. List the matter for final hearing on **07/09/2022**.

JUDGE

R.S. Sahare