

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

**909 CIVIL APPLICATION NO.2557 OF 2023
IN FA/2393/2013**

**ICICI LOMBARD GENERAL INSURANCE COMPANY LTD. THROUGH
ITS LEGAL OFFICER, AURANGABAD
VERSUS
DATTA ATMARAM MANE AND ANOTHER**

Advocate for Applicant : Mr. Dahat Rohit H.
Advocate for Respondent No.1 : Mr. S. R. Bagul

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 28.02.2023

PER COURT :

Heard rival submissions. The applicant -appellant Insurance Company is seeking restoration of First Appeal No. 2393/2013 by recalling the order dated 22.09.2014 on condonation of delay of 3024 days.

2. It appears that the applicant -appellant -Insurance Company had in fact intended to withdraw the appeal long back, but since there was conditional order dated 22.09.2014 of filing private paper book within one year, the office told Insurance Company, when they went to withdraw the appeal, that as per this conditional order, their appeal had already dismissed. The learned counsel for the Insurance Company submits that as and when this appeal is restored, it would be immediately withdrawn.

3. In view of the same, the application stands allowed in terms of prayer clause 'B' and 'C'.

4. Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-