

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

961 CIVIL APPLICATION NO.9206/2023 IN FA/1972/2012
and
961 CIVIL APPLICATION NO.8672 OF 2023
IN FA/1972/2012

THE ORIENTAL INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD AND ANR

VERSUS

RAKHABAI NANABHAU WAGH AND ORS

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Advocate for Applicants : Mr. A.G. Kanade.

Adv. for Respondents: Ms. Kazi Sabahat T.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 28TH JULY, 2023

ORDER :-

By this application, the applicant seeks restoration of the appeal and set aside the order dated 9.9.2014 by which his appeal has been dismissed for non-compliance of the condition regarding supply of paper book.

2. Mr. Kanade, learned advocate for the applicant would submit that inadvertantly, he could not note the order directing supply of paper book. As soon as he came to know about the dismissal of the appeal for the aforesaid reason, he moved this application for prayer for restoration.

3. Ms. Kazi, learned counsel for the respondents/claimants opposes the prayer on the ground that there is inordinate delay. She submits that in case the application is allowed, some cost may be awarded.

4. Hence, the application is allowed in terms of prayer clauses

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961 sr.no..odt

(B) and (C) subject to costs of Rs. 2000/- to be paid to the claimants, within a period of 4 weeks and the order regarding filing of paper book stands dispensed with, as R. & P. has been received.

5. Civil application No. 8672 of 2023 be placed for consideration on 29.8.2023.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-