

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**FIRST APPEAL NO.9 OF 2023
AND
CIVIL APPLICATION NO.13 OF 2023**

ABCN LOGISTICS PVT.
LTD., THR. PRITPAL SINGH
BEDI

....APPELLANT

Versus

RELIANCE GENERAL
INSURANCE CO. LTD. AND
6 ORS.

....RESPONDENTS

Mr. Vibhav Amonkar, Advocate for the Appellant.

**Mr. S. Keny holding for Mr. James Lopes, Advocate for
Respondent No.1.**

CORAM: M. S. SONAK, J.

DATE : 2nd MARCH 2023

ORAL ORDER :

1. Heard Mr. Vibhav Amonkar for the appellant.
2. On 13.01.2023, following order was made whilst disposing of Misc. Civil Application No.5 of 2021:

“P.C.:

1. Heard Mr. S. Vidyarthi, learned counsel for the Applicant, and Mr. J. Lopes learned counsel for Respondent No.1-Insurance Company.

2. Though the service is not complete on Respondent Nos.2 to 7, the contesting party is Respondent No.1 because what the Applicant impugns in the accompanying appeal is the order for pay and recover.

3. Accordingly, the delay of 619 days in the institution of this appeal is condoned. The reason for this delay has been set out in the Civil Application. Though the Applicant is not diligent in this matter, the delay is such as can be condoned by compensating the Insurance Company with some costs.

4. In the connected appeal, the delay was condoned subject to payment of costs of ₹50,000/-.

5. In this matter, the delay is condoned subject to payment of costs of ₹25,000/-.

6. Such costs are to be paid within two weeks from today. If the costs are paid within two weeks from today then the appeal should be registered and placed for admission/final disposal on 16.02.2023.

7. However, if the costs are not paid within two weeks from today then this Civil Application and consequently the appeal itself to stand dismissed without further reference to this Court.

8. The Misc. Civil Application is disposed of accordingly.”

3. Mr. Amonkar states that costs have been paid and the delay stands condoned. The above order had made it clear that the appeal should be placed for admission/final disposal on 16.02.2023.
4. The issue raised in this appeal is covered by judgment and order dated 17.01.2023 in the case of *ABCN Logistics Pvt. Ltd. V/s. Reliance General Insurance Co. Ltd. & Ors.* in First Appeal Nos.891/2021(F) and 894/2021(F). The two appeals concerned the very same accident. The issues raised were also common.
5. Therefore, by adopting the reasoning in the judgment and order dated 17.01.2023, referred to above, this appeal is disposed of by setting aside the direction for pay and recover made by the Tribunal in the impugned award.
6. The appeal is allowed to the above extent. There shall be no order for costs.
7. The civil application does not survive and the same is disposed of.

M. S. SONAK, J.