

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14248 OF 2023

IN

FIRST APPEAL NO. 860 OF 2019

**The Manager,
Royal Sundaram General Insurance
Company Limited**

**..... Applicant/
Appellant**

VERSUS

Smt.Snehal Manoj Patil & Ors.

..... Respondents

Mr.Rahul Mehta i/b. KMC Legal Venture for the Appellant/Applicant in IA/14248/2023.

Ms. Kiran Yadav i/b. Mr.A.M.Gokhale for the Applicant in IA/1971/2023 and IA/1972/2023 and for the Respondent Nos. 1 to 5 in FA.

CORAM: ABHAY AHUJA, J.

DATE : 17th AUGUST, 2023

P.C:-

This is an application seeking restoration of the First Appeal which was dismissed for non compliance of the order dated 22nd October, 2019 for failure to file paper-book in the time granted.

2. Mr.Mehta, learned counsel for the applicant insurance company would submit that there has been delay of 2 years and 214 days.

Learned counsel draws the attention of this Court to paragraph (3) of the application to explain the delay as well as the failure to file the paper-book. Learned counsel would submit that the paper-book could not be filed as the erstwhile legal team of the applicant inadvertently failed to inform the Trial Court advocate.

3. Ms.Yadav, learned counsel for the respondent nos. 1 to 5 claimant has no particular objection if the delay is condoned and if the appeal is restored more particularly as the respondents are also seeking to restore their Cross Objection (St) No. 19378 of 2018 which has been dismissed due to non compliance of the conditional order dated 22nd October, 2019. The service to the respondent no.6 has been dispensed with vide order dated 21st June, 2019.

4. Having heard learned counsel and having perused the application, this Court is of the view that the delay of 2 years and 214 days in preferring the application for restoration be condoned and the appeal be restored to file subject to payment of Rs.25,000/- (Rupees Twenty Five Thousand only) to Kirtikar Law Library, High Court, Bombay within a period of three weeks.

5. Application is accordingly disposed off.

[ABHAY AHUJA, J.]