

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****INTERIM APPLICATION NO. 13219 OF 2023****IN****FIRST APPEAL NO. 259 OF 2019****Bajaj Allianz General Insurance Co. Ltd. Applicant****VERSUS****Fazalu Mahibub Bagwan And Anr. Respondents**

Mr. Sarthak S. Diwan for the Applicant/Appellant.

Mr. Y.G. Thorat i/b. Mr. Ashok B. Tajane for the Respondent No.1 in FA/
Applicant in IA/3266/2023.**CORAM: ABHAY AHUJA, J.****DATE : 10th AUGUST, 2023****P.C:-**

This matter was kept back in the morning session as Mr. Diwan, learned counsel for the appellant was not available. In the afternoon session Mr. Diwan appears and submits that the interim application is for the restoration of the appeal that was dismissed for failing to file paper-book within the time granted. There is delay of 3 years and 68 days. Mr. Diwan would submit that he has instructions to withdraw the appeal once the appeal is restored.

2. Mr. Thorat, learned counsel for the claimant submits that he has no objection if the delay is condoned and the appeal restored provided

the appeal is withdrawn after restoration.

3. Having heard learned counsel and having perused the application, let the delay of 3 years and 68 days be condoned.

4. Let the appeal be restored to file.

5. Application is disposed accordingly.

[ABHAY AHUJA, J.]