

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CIVIL APPLICATION (CAO) 65 OF 2023**

**IN**

**MISC. CIVIL APPLICATION STAMP NO.700 OF 2023**

**IN**

**FIRST APPEAL NO.224 OF 2019**

Shriram General Insurance Company Limited through its Legal Officer

Vs.

Naheed Firdos w/o Wasim Khan and others

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

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Court's or Judge's orders

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Mr. G. I. Dipwani, Advocate for appellant.

Mr. S. R. Charpe, Advocate for respondent Nos.1 to 4.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 31/01/2023**

1. By this application, appellant is seeking condonation of delay of 571 days for setting aside dismissal order dated 26.11.2018. The appeal was dismissed as the paper-book was not filed as per the order of this Court.

2. As per the contention of the appellant, the appellant was not aware about the order passed by this Court, that conditional order was passed regarding the filing of the private paper-book. The appellant has not obtained the necessary documents to file the private paper-book, therefore could not file the private paper-book. After noticing the order, he preferred this application for condonation of delay of 571 days.

3. Said application is strongly opposed by the respondent Nos.1 to 4 on the ground that the reasons mentioned in the application are not satisfactory and reasonable one, hence delay application deserves to be rejected.

4. Heard both the sides.

5. Considering the appeal is dismissed only on the ground that private paper-book is not filed as per the conditional order. In view of the reasons in the application, delay is condoned.

6. Civil Application No.65 of 2023 is disposed of.

**MISC. CIVIL APPLICATION STAMP NO.700 OF 2023**

1. As the private paper-book was not filed as per the order dated 26.11.2018, the appeal was dismissed.

2. As per contention of the appellant, the appellant has to collect the necessary documents and information which he could not collect, and therefore the private paper-book was not filed.

3. Considering the reasons mentioned in the application, appeal is restored at its original stage.

4. Misc. Civil Application is disposed of.

**First Appeal No.224 of 2019**

1. Mr. Dipwani, learned Advocate for the appellant submitted that he has instructions to withdraw the appeal, but as appeal was dismissed for default, he could not withdraw the said appeal. Now, appeal is restored, so, he be permitted to withdraw the same.
2. In view of the statement made by Mr. Dipwani, learned Advocate for the appellant, permission is granted to withdraw the present appeal.
3. The appeal is disposed of as withdrawn.
4. The appellant is entitled to receive court fees as per the rules.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate