

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

CIVIL APPLICATION (CAO) NO. 639/2023 IN
M.C.A. ST. 7551/2023 IN R.C. NO. 19/2020 (FA ST. NO. 117666/2019)

Divisional Manager, Bajaj Allianz Gen Insu. Co. Ltd. Thr. Manager, Pune

Vs

Yogesh S/O Ashokrao Lawhale And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms A.S. Athalye, advocate for the appellant/applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/04/2023.

1. The present application is for condonation of delay which is caused in filing the restoration application.
2. Learned advocate for the applicant submitted that inadvertently the office objections recorded by the Registrar (J) was not noted by the learned advocate for the applicant and therefore, the office objections are not removed. As the conditional order was passed, therefore, the appeal was dismissed. The applicant received the notice of execution proceedings and thereafter, it was revealed that the appeal is already dismissed.
3. Considering the reasons mentioned in the application and by taking note of the fact that, admittedly, the applicant is not attending the proceeding at the Appellate Stage and the learned advocate inadvertently not noted the order passed by the learned Registrar (Judicial),

the appeal came to be dismissed, which appears to be just and reasonable caused for condonation of delay.

4. In view of the reasons mentioned in the application, the delay of 551 days is condoned. Civil application is disposed of.

Misc. Civil Application St. No. 7551/2023

On removal of the office objections within a period of four weeks, the appeal be restored at its original stage.

Misc. Civil Application is disposed of.

CIVIL APPLICATION (CAF) NO. 11767/19_

1. By this application, the applicant/appellant is seeking stay to the effect, operation and execution of the impugned judgment and award passed by the Member, Motor Accident Claims Tribunal, Akola in claim petition No. 115/2015 dated 31/12/2018 and execution petition bearing Darkhast No. 1/2023.

2. Ms A.S. Athalye, learned advocate for the applicant submitted that the applicant is ready to deposit the amount.

3. On depositing the entire amount of compensation along with accrued interest within a period of one week, the execution, implementation and operation of the impugned judgment and award passed in claim petition No. 115/15 as well as execution petition No. 1/2023 be stayed till disposal of the appeal.

4. On failure to deposit the entire amount of compensation within one week, the stay granted will be vacated automatically without further reference to the Court.

JUDGE