

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

MISC. CIVIL APPLICATION ST. NO. 4003/2023 IN
FIRST APPEAL NO. 164/2017

Shriram General Insurance Co. Ltd., Jaipur, Through Branch Manager
Vs

Pramila W/O. Ramdas Bhawe And Others

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

Court's or Judge's Order

Mr P.N. Khadgi, Advocate for the appellant.

Mr P.R. Agrawal, Advocate for the respondent Nos. 1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/02/2023.

1. By this application, the appellant is seeking condonation of delay in filing the application for restoration of First Appeal 164/2017.
2. It is contended by the appellant that First Appeal No. 164/2017 has been dismissed by this Court, due to non-filing of the private paper book on 22/06/2021.
3. It is submitted by the learned Advocate for the appellant that, due to Covid Pandemic period, the order passed by this Court was not noted and therefore, it was not complied. The order of dismissal was also not noted and therefore, the appropriate steps are not taken within time.
4. It is further submitted that, the appellant / insurance company has challenged the award and insurance company be permitted to litigate the cause on merits.

5. Considering the reasons mentioned in the application, admittedly, the restrictions were imposed on the general public till August-2021. Due to Covid Pandemic situation, therefore, the reasons appears to be genuine one. In view of that, the delay of 426 days is condoned.

Civil application stamp No. 4002/2023 is disposed of.

Misc.Civil Application Stamp no. 4002/2023

1. By this application, the appellant is praying for restoration of the appeal, which was dismissed for non-filing of the private paper-book.

2. The appellant is ready to file private paper-book. On filing of private paper-book within two weeks, the appeal be restored at its original stage.

First Appeal No. 164/2017

1. Mr P.N. Khadgi, learned advocate submitted that, now he has written instructions to withdraw the appeal. In view of the statement made by the learned advocate for the appellant, permission is granted to withdraw the appeal.

2. In view of the withdrawal, the appeal is disposed of as withdrawn.

Civil Application No. 485/2023

1. By this application, the respondent No.1 is seeking permission to withdraw the amount, on the ground that she has no source of income. She has lost her husband in the said

accident. Now, the appeal is already disposed of as withdrawn.

2. In view of that, the respondent No.1 is entitled to receive the compensation amount. The amount of compensation along with accrued interest which is deposited before this Court be disbursed to the respondent No.1 on due identification and verification.

Civil Application No. 485/2023 is disposed of.

JUDGE