

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 691 OF 2020
IN
FIRST APPEAL NO. 1436 OF 2011

The Divisional Manager, New India ... Appellant/Applicant
Assurance Co. Ltd.

V/s.

Soukat Isamail Magi Sanadi and Anr. ... Respondents

Mr. Poonam Mittal, for the appellant.

Mr. Tejpal Ingle, for the respondent no. 1.

CORAM : KISHORE C. SANT, J.

DATE : 23RD JANUARY 2024.

PC:

1. Heard learned Advocates for the parties.
2. This application is filed for restoration of the appeal that was dismissed in view of the conditional order. This Court while admitting the appeal had directed the appellant to file private paper-book within one week from the date of the order i.e. 12.10.2012. Inspite of this order. the paper-book was not supplied and the matter came to be dismissed. It is submitted that in the application, because of the inadvertence of the lawyer who was earlier appearing, the steps could not be taken. He submits that there is even cross objection filed by the original claimant. Learned Advocate for the appellant prays for

restoration of the appeal by condoning the delay.

3. Learned Advocate for the respondent vehemently opposes the application mainly on the ground of delay. However, looking to the fact of the cross-objections is already filed, it would be desirable to restore the appeal to its original status by imposing some costs. Hence, the following order:

ORDER

- i) Application stands allowed.
- ii) Delay stands condoned.
- iii) Restoration shall be subject to deposit the costs of Rs. 5000 to be deposited within four weeks from today.

4. At this stage, learned Advocate for the respondent informs that he has already supplied paper-book and other documents and in view of that submitting paper-book and compilation is not required in the present appeal.

5. In view of this, objection paper-book and compilation stands waived. Costs to be paid to the appellant.

6. It is reported that parties are exploring the possibilities of settlement.

7. The application stands disposed off.

(KISHORE C. SANT, J)