

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9474 OF 2024
(FOR RESTORATION)
IN
FIRST APPEAL NO. 139 OF 2022
with
INTERIM APPLICATION NO. 868 OF 2022

Reliance General Insurance Company Ltd., ... Appellant
Gujarat

versus

Bahadur Maganbhai Patel and anr. Respondents

INTERIM APPLICATION NO.10203 OF 2024
(FOR WITHDRAWAL)
IN
FIRST APPEAL NO. 139 OF 2022

Bahadur Maganbhai Patel Applicant

In the matter of

Reliance General Insurance Company Ltd., ... Appellant
Gujarat

versus

Bahadur Maganbhai Patel and anr. Respondents

Mr. Pandit Kasar, Advocate for the Appellant.

Mr. Suresh Dubey, Advocate for Respondent No.1 and applicant in
IA/10203/2024.

CORAM : ARUN R. PEDNEKER, J.

DATE : 2nd AUGUST, 2024.

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P.C. :

1. The present application is filed for restoration of the present first appeal.

2. The learned counsel appearing for the claimants has not seriously contested the restoration application. However, he submits that his withdrawal application is pending for a long time and that he is an injured claimant and his entire lower body is paralysed and that he has not received any money from the Insurance Company till date.

3. The learned counsel for the Insurance Company submits that there is merits in his case and that the appeal be restored.

4. In view of the same, the delay of 374 days in filing the restoration application is condoned and the appeal is restored to its original file.

5. The appeal is filed on the ground that the cheque issued towards the premium has bounced and pay and recover order has been passed against the Insurance Company. Since there is no evidence on record that the Insurance Company had taken any steps to intimate the owner as regards the dishonour of cheque, I am permitting the claimants to withdraw to withdraw 50% of the amount deposited in the Tribunal along with accrued interest thereon till date on filing usual undertaking to the satisfaction of the Presiding Officer of the Tribunal. Interim Application No.10203 of 2024 is allowed and disposed of. Liberty to apply for further withdrawal if such exigency exists.

6. The first appeal is admitted.

7. On admission, Mr. Dubey, learned counsel, waives notice on behalf of the respondent No.1.

8 Liberty to apply for early hearing.

9. The stay to the impugned order, granted earlier, stands confirmed till the final disposal of the appeal. The Interim Application No.868 of 2022 stands disposed of

(ARUN R. PEDNEKER, J.)