

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10955 OF 2024
[FOR RESTORATION]

IN

FIRST APPEAL (ST) NO.1143 OF 2020

Bajaj Allianz General Insurance Company Limited ...Applicant

In the matter between:-

Bajaj Allianz General Insurance Company Limited ...Appellant

v/s.

Rupesh Amrut Pawar and Anr. ...Respondents

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INTERIM APPLICATION NO.721 OF 2020
[NOT ON BOARD, TAKEN ON BOARD]
[FOR DELAY]

IN

FIRST APPEAL (ST) NO.1143 OF 2020

Bajaj Allianz General Insurance Company Limited ...Applicant

In the matter between:-

Bajaj Allianz General Insurance Company Limited ...Appellant

v/s.

Rupesh Amrut Pawar and Anr. ...Respondents

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WITH
INTERIM APPLICATION NO.722 OF 2020
[NOT ON BOARD, TAKEN ON BOARD]
[FOR STAY]

IN

FIRST APPEAL (ST) NO.1143 OF 2020

Bajaj Alianz General Insurance Company Limited ...Applicant

In the matter between:-

Bajaj Alianz General Insurance Company Limited ...Appellant

v/s.

Rupesh Amrut Pawar and Anr. ...Respondents

Mr.Pandit Kasar:-	Advocate for Applicant-Appellant.
No one is present:-	On behalf of Respondents.

CORAM : S. M. MODAK, J.

DATE : 27th AUGUST 2024

P. C. :-

INTERIM APPLICATION NO.10955 OF 2024

1. It is true that as per the conditional order dated 23rd February 2021, the Appeal was to be dismissed if the conditions are not fulfilled. They were not fulfilled. The present Interim Application is filed for restoration.
2. This Court permitted the Applicant to deposit the amount with interest as per the order dated 26th July 2024. The amount is deposited. Now, the Office objection remains. One of them is deposit of statutory amount and other Office objections. Subject to deposit and

removal of Office objections, within three (3) weeks, the Appeal stands restored.

3. In view of that, **Interim Application stands disposed of.**

INTERIM APPLICATION NO.721 OF 2020

4. The file is annexed but not shown on board. It is taken on board.

5. The decretal amount along with interest is already deposited.

6. In fact, there is a delay in filing the Appeal and that is why, this Interim Application is preferred. Affidavit of service is filed. It is taken on record.

7. The Respondent No.1 is the owner of the offending vehicle. The Affidavit mentions that both are served. Whereas, the Claimant has filed an Execution.

8. For the reasons stated in the Application, it is allowed in terms of prayer clause (a). The delay is accordingly condoned.

9. This **Interim Application is disposed of.**

INTERIM APPLICATION NO.722 OF 2020

10. This Application is filed for stay. The decretal amount along with interest is deposited before the Tribunal. The stay is already granted. It

is made absolute.

11. The Respondent No.1 is permitted to withdraw 50% of the deposited amount along with interest from the Tribunal once he will appear before this Court. Even, he can circulate the matter early.

12. In view of that, this **Interim Application for Stay is also disposed of.**

FIRST APPEAL (ST) NO.1143 OF 2020

13. Heard learned Advocate for the Applicant – Appellant.

14. Issue notice to the Respondents returnable on 14th October 2024.

15. **Call Record and Proceeding.**

[S. M. MODAK, J.]