



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.443 OF 2024 IN
MISC. CIVIL APPLICATION STAMP NO.5651 OF 2024 IN
FIRST APPEAL NO.980 OF 2018

ICICI Lombard General Insurance Co. Ltd.

Vs.

Asha Wd/o Rameshrao Walgaonkar and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Ashwini Athalye, Advocate for appellant.
Shri A.R. Rishi, Advocate for respondent no.1.

CORAM : M.W. CHANDWANI, J.
DATE : JUNE 24, 2024.

By the application, the applicant seeks to condone the delay of 713 days in filing the application for restoration of first appeal.

2. Learned counsel for the non-applicant do not object for condoning the delay.

3. For the reasons stated in the application, delay is condoned. Application is disposed of.

MISC. CIVIL APPLICATION STAMP NO.5651 OF 2024

4. It appears that first appeal came to be dismissed for want of filing of private paper book.

5. The contention is that earlier this matter was filed by

Advocate Ashay Mahajan and he left the practice and thereafter during Covid-19 pandemic period the matter was listed virtually and direction was given to file private paper book. Thereafter, his clerk did not prepare the paper book and he did not inform the counsel about the same.

6. Learned counsel for the non-applicant do not object to restoration of the first appeal.

7. Considering the reasons mentioned in the application coupled with the fact that matter should be heard on merits, the application is allowed. First Appeal No.980 of 2018 is restored to the file.

FIRST APPEAL NO.980 OF 2018

8. It is common ground that there are elements of amicable settlement between the parties.

9. Both learned counsel suggested the name of Shri J.J. Chandurkar, Advocate, for mediation in the matter.

10. Hence, Shri J.J. Chandurkar is appointed as Mediator in the matter.

11. Both parties to appear before the learned Mediator on 02.07.2024 at Mediation Centre at the convenient time of learned Mediator.

12. Learned Mediator shall file its report within two weeks thereafter.

13. Stand over 18.07.2024.

JUDGE

Wagh