



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

IL APPLICATION NO.1385/2021 IN FIRST APPEAL ST. NO.2422/2021

Reliance General Insurance Co. Ltd. Vs. Ranjit Pandurangji Balki and Ors.

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

Court's or Judge's orders

Mr. H. N. Veram, Advocate for appellant.

Mr. B. J. Sodhi, Advocate for respondent no.1.

CORAM : ANIL L. PANSARE, J.

DATE : 18.01.2024

The judgment and award under question was passed on 09.10.2020. The appeal has been filed on 29.01.2021. The Supreme Court in Suo Motu Writ Petition No./3/2020, has held that the period between 15.03.2020 and 28.02.2022 shall be excluded for the purpose of Limitation Act and for all other provisions where proceedings are to be filed within time prescribed in the respective Acts. The present appeal having been filed during the period of Covid-19 pandemic and in terms of the judgment of the Supreme Court, there is no delay in filing the appeal. Nonetheless, considering the fact that the appellant has filed the application to seek condonation of delay, the application is allowed. The appeal be registered.

First Appeal Stamp No.2422/2021

Heard.

Issue notice to the respondents.

Mr. Sodhi, learned counsel waives service of notice for the respondent no.1.

Learned counsel for the appellant submits that before the tribunal, respondent nos. 2 and 3, though served, did not

appear. Therefore, the claim petition proceeded ex parte against them. As regards the application seeking condonation of delay, these respondents could not be served through regular mode and they have to be served through paper publication. He seeks time to file affidavit of service. Affidavit be filed within two weeks.

Respondent nos. 2 and 3 have not appeared in the present proceeding as well.

At this stage, learned counsel for the appellant makes a request to dispense with service of notice upon respondent nos. 2 and 3, on merit.

Considering the fact that the respondent nos. 2 and 3 did not appear before the tribunal though served and further that they have not appeared in the application seeking condonation of delay, no fruitful purpose will be served by issuing yet another notice and, therefore, the service to respondent nos. 2 and 3 is dispensed with.

Heard.

Admit.

Call record and proceedings.

Appellants to furnish the paper book within twelve weeks from today.

Registry to process the appeal for final hearing once the paper book is filed.

Civil Application No.83/2024

By the present application, the applicant – claimant seeks permission to withdraw the amount deposited by the appellant.

Perused the impugned judgment. Considering the nature of evidence on record, the claimant is permitted to withdraw 50% of the amount on filing an undertaking that in case the appeal is allowed, the said amount shall be repaid with interest at such rate the Court may direct and further 50% of the amount is permitted to be withdrawn on furnishing a solvent surety to the satisfaction of the Registrar (Judicial).

The application is disposed of in above terms.

(Anil L. Pansare, J.)

Kahale