



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

CIVIL APPLICATION (O) NO.506 OF 2022

IN

MISC. CIVIL APPLICATION (ST) NO.10396 OF 2022

IN

FIRST APPEAL NO.495 OF 2017

[Magma HDI General Insurance Co. Ltd. ..Vs.. Nilesh Purushottam
Rekhate and Ors.]

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

Court's or Judge's order

Mr N. J. Patil, Adv. h/f Mr R. D. Bhuibhar, Advocate for Applicant/Appellant.

CORAM : M. W. CHANDWANI, J.

DATE : 29th AUGUST, 2024.

1. Heard.
2. The applicant/appellant is seeking to condone the delay of 383 days caused in filing the application for restoration of first appeal.
3. The contention is that the paper-book was not filed by the earlier counsel, therefore the appeal came to be dismissed without further reference to the Court. It is contended that the delay occurred in engaging the present counsel and in preparing the paper-book is not deliberate, unintentional and *bona fide*.
4. Though the non-applicants are served, nobody appeared and no reply has been filed on behalf of them.
5. The contention on affidavit remains uncontroverted. For the reasons mentioned in the applications, the delay in filing the restoration application is hereby condoned and for the

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same reason, the appeal is restored to the file.

6. Accordingly, CAO as well as MCA (St) are disposed of.

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7. Heard.

8. Since the appeal is already admitted, appellant is permitted to file the paper-book within two weeks from today.

9. Meanwhile, notice be issued to the respondents, returnable within three weeks.

JUDGE