



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

**CIVIL APPLICATION (CAO) NO.1511 OF 2019
IN
MISC. CIVIL APPLICATION (MCA) ST. NO.14138 OF 2019
IN
FIRST APPEAL NO.1190 OF 2012 (D)**

(Akhtarbao wd/o Salim Khan and ors. vs. Bansraj S/o Rambaran Pasi (Dismissed against respondent No.1. The New India Assurance Co. Ltd. And ors.)

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

Court's or Judge's orders

Ms. Shreya Bhagat, Advocate h/f Shri P. R. Agrawal, Advocate for the applicants/
appellants.
Ms. S. H. Bhatia, Advocate for respondent No.2.

CORAM : ABHAY J. MANTRI, J.

DATED : 28-07-2025

The learned Advocate for the applicants/appellants submitted that by order dated 23/11/2017 the appeal was dismissed for not supplying copy of paper-book to respondent No.4. She further submitted that after dismissal of appeal, on 27/11/2017 copy of paper-book was served on respondent No.4. She canvassed that respondent No.3 has no concern with the said order and therefore seeks permission to delete his name from the array of the respondents in application for restoration of appeal.

2. In view of the same, permission is granted to delete respondent No.3 from the array of respondents in the restoration application.

3. Learned Advocate further submitted that as the appellants have supplied a copy of the paper-book to respondent No.4, the delay in filing the restoration application for the restoration of the appeal be condoned and the appeal be restored to its original stage.

4. It appears that respondent No.2 appeared in the matter through learned Advocate Ms. Bhatia, however, failed to file a reply to these applications.

5. Though served, none appears for respondent No.4. Hence, the application is proceeded with without its reply.

6. Learned Advocate for respondent No.2 objected to the applications. However, considering the reasons disclosed in the applications, as well as the fact that the office objections were subsequently complied with, in my view, the applications are required to be allowed subject to costs, as the appeal was dismissed. Subsequently, the application for the restoration of the appeal was also dismissed due to the appellants' negligence.

7. Hence, the applications are partly allowed subject to costs of Rs. 2000/- payable to the Vidarbha Lady Lawyers' Association, Nagpur (VLLA, Nagpur), as the respondent No.2 has not claimed the costs nor raised any objection to pay the said cost to the VLLA, Nagpur. Thus, the applicants are directed to deposit the costs of Rs. 2000/- by 11/08/2025 and submit the receipt to the registry. Failing this, the applications/appeal shall stand dismissed without further reference to the Court.

8. On deposit of the costs, the appeal be restored to its original position.

9. Appellants are directed to supply a copy of the paper-book to respondent No.2

10. Stand over to 12/08/2025.

(ABHAY J. MANTRI, J.)