

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

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**INTERIM APPLICATION NO. 387 OF 2026
IN
FIRST APPEAL NO. 1337 OF 2014**

The New India Assurance Co Ltd	...Applicant
<u>IN THE MATTER BETWEEN</u>	
The New India Assurance Co Ltd	...Appellant
<u>VERSUS</u>	
Mrs. Jayshree Mahesh Gosavi And Ors.	...Respondents

Mr. Ashirwad Kolekar i/b Prasanna Kolekar for the Applicant.
Mr. Rahul Patil i/b Yuvraj Narvankar for the Respondents.

CORAM : M. W. CHANDWANI, J.
DATE : 18th APRIL, 2026.

P.C.

1. By this Application, the Applicant is seeking restoration of the First Appeal which was dismissed for want of prosecution vide order dated 12.11.2025.
2. It is contention of the learned counsel for the Applicant that, initially, the Appeal was pending before the Principle Bench at Bombay. Thereafter, it was transferred to Circuit Bench at Kolhapur. Due to transfer of Appeal, the brief was in transit and was not available with the counsel. Therefore, he could not appear in the matter and accordingly, it is dismissed.
3. The contention of the learned counsel for the Applicant is uncontroverted rather, the learned counsel for the Respondents have fairly considered the submission of the learned counsel for the Applicant and gave no objection for restoring the First Appeal.

4. In view of the above, the Interim Application is allowed.
5. The order of dismissal of the First Appeal for want of prosecution dated 12.11.2025 is hereby quashed and set aside. The Appeal is restored to the file of this Court. List the Appeal on 18.06.2026.
6. Interim Application is disposed of in the above terms.

[M. W. CHANDWANI, J.]