

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

FIRST APPEAL NO.475 OF 2005

The New India Assurance Co. Ltd.

..vs.

The Tata Engineering and Locomotive 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

Shri A.M. Paunikar, Advocate for the appellant.
Shri S.G. Zinjarde, Advocate for respective respondents.

CORAM: PRAVIN S. PATIL, J.

DATED : 16/09/2025.

Heard.

2. It is informed that respondent no. 4 is expired, however his legal heirs are already on record as respondent nos. 5 and 6.

3. hence, the appellant is permitted to delete the respondent no. 4 from the array of respondent.

CIVIL APPLICATION NO.1456/2018

4. Heard.

5. By this application, the applicant is seeking condonation of delay of 1238 days in filing the application for restoration of appeal.

6. It is stated that there was conditional order passed by this Court on 06.01.2015, however due to non-filing of private paper book, the appeal was dismissed.

7. After getting information of the dismissal of the appeal, the appellant/applicant has made various communication with the counsel, who was appearing for the appellant. However there was no response received from the company.

8. After that Company has entrusted the present appeal with the present Counsel. Hence, the delay is caused.

9. In view of the above, subject to payment of costs of Rs.10,000/- within a period of two weeks from today to the Registry of this Court, the delay stands condoned.

10. The said amount is permitted to be withdrawn by respondent nos. 5 and 6.

MISC. CIVIL APPLICATION ST. NO. 17253 OF 2018

11. Heard.

12. For the reasons stated in the application which are not controverted by the other side, the order dated 09.02.2015 is hereby recalled and first appeal no.475/2005 is restored to its original stage.

13. Call the R & P.

14. List the matter for final disposal after receipt of the R & P.

(PRAVIN S. PATIL, J.)

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