

(2021) 11 BOM CK 0049

In the Bombay High Court

Case No : Interim Application No. 3246 Of 2021 In R. C. No. 112 Of 2018

New India Assurance Co. Ltd

APPELLANT

Vs

Dhanshri Shashikant Javalekar & Ors

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Citation : (2021) 11 BOM CK 0049

Hon'ble Judges : Madhav J. Jamdar, J

Bench : Single Bench

Advocate : Uday G. Badadare

Judgement

Madhav J. Jamdar, J

1. Heard Mr. Uday G. Badadare, learned Advocate appearing for the applicant.
2. The Interim Application is for recalling/setting aside order dated 27th November, 2017 passed by the Registrar (Judicial-II) by which, four weeks time was granted for removing office objections, failing which registration of First Appeal (Stamp) was directed to be refused. The said order was passed on 27th November, 2017 and thereafter, as the applicant failed to remove office objections, the First Appeal was rejected.
3. In the Interim Application the prayer is sought regarding condonation of delay of 3 years and 45 days in filing the present application. The office note shows that the First Appeal (Stamp) No. 20292 of 2017 has been given R. C. No. 112 of 2018 and the papers are destroyed.
4. The learned Advocate for the applicant states that decretal amount is Rs.27,83,000/- alongwith interest and about Rs. 35,00,000/- are deposited before the learned M.A.C.T. In view of that, he is seeking stay to the execution proceeding.
5. The accident in question has taken place in 2014 in which deceased has expired. Therefore, while granting stay to the execution, in the interest of justice,

it is necessary to pass further order regarding withdrawal by the original claimants. Therefore, the applicant is directed to reconstruct the papers of First Appeal (Stamp) No. 20292 of 2017 and connected Civil Applications by tomorrow.

6. Stand over to 12th November, 2021.