

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

C.A.F. NO. 2279 OF 2013 IN F.A. ST. NO. 8857/13.

National Insurance Co. Ltd. .vs. Smt. Urmila wd/o Nandkishor Rathi & others.

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

Mr. D.N. Kukday, Advocate for applicant,
Mr. M.P. Khajanchi, Advocate for respondent nos. 1 to 3,
Mr. R.S. Nitnaware, Advocate for respondent no.4.

CORAM : B.R. GAVAI & SMT. MRIDULA R. BHATKAR, JJ.

DATED : MARCH 2, 2015.

This is an application for condonation of delay. There is a delay of 853 days. The reason given in the application is that only after the receipt of notice of execution proceedings, the file was sought to be traced and thereafter it was decided to file an appeal.

No details as to on what date the notice of execution proceedings was received or the decision to file an appeal or as to what steps were taken are given in the application. Apart from that, the appeal filed by the respondent/claimant has been admitted on 6.6.2011 and the learned Counsel for the appellant company has waived notice on 6.6.2011. As such, the appellants were very well aware about the filing of the appeal

by the claimant. Thereafter, the appeal is filed almost after a period of two years. No explanation for the delay of the said period has been given in the application.

We find that the applicants have utterly failed to make out a sufficient cause for condonation of delay. The application is devoid of any details.

As such, the application is rejected.

Judge

Judge

J.