

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1065 OF 2013
IN
FIRST APPEAL St. NO.7631 OF 2013**

United India Insurance Co. Ltd.

..Applicant

Vs.

Kamal Dattaram Vende & Ors.

..Respondents

Ms Varsha Chavan for the Applicant

Mr. T. J. Mendon for the Respondent Nos.1 & 2

Ms Sneha Manjrekar i/b Mr. A. M. Gokhale for the Respondent No.4

CORAM : R. M. SAVANT, J.

DATE : 10th JUNE, 2016

P.C.

1 The above Civil Application has been filed seeking condonation of delay of 346 days in filing the above First Appeal. The reasons for the delay are mentioned in the above Civil Application. The Learned Counsel appearing for the Respondent Nos.1 & 2 Mr. Mendon opposes the above Civil Application by questioning the reasons mentioned in the same. The Learned Counsel appearing for the Respondent No.4 owner of the vehicle submits to the orders of the Court. The sum and substance of the reasons is that on account of the administrative procedure that was required to be followed that the delay in filing the above First Appeal has occasioned. The reasons mentioned in the above Civil Application can therefore said to be the plausible reasons for the delay of 346 occurring in filing of the above First Appeal.

2 It is well settled that in matters of condonation of delay a highly technical and pedantic approach should be eschewed and an approach which further the cause of justice should be adopted. No doubt there is a delay of 346 days in filing the above First Appeal but the Respondent Nos.1 and 2 who can be said to be the parties whom prejudice can be said to be caused, can be compensated by way of costs. Hence accepting the reasons mentioned in the above Civil Application the same is allowed, resultantly the delay of 346 days in filing the First Appeal stands condoned. In the facts and circumstances of the case, the Applicant / Appellant to pay costs of Rs.3000/- to the Respondent Nos.1 and 2 through the Learned Counsel Mr. Mendon within 4 weeks from date. List the First Appeal for admission on 15-07-2016. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]