

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 89 OF 2016

IN

FIRST APPEAL (ST) NO. 9745 OF 2015

National Insurance Co. Ltd.

.....Appellant

V/S.

1). Gumphabai B. Patil & Ors.

.....Respondents

* * * * *

Ms. Urmila K. Sanil, Advocate for the appellant.

Mr. Rajan Raghunath Tipnis, Advocate for the respondents.

Coram :- Smt. R.P. SondurBaldota, J.

13th April, 2016.

P.C. :-

1). Mr. Tipnis, learned Advocate states that he has instructions to appear for respondent no.1. He undertakes to file appearance for respondent no.1.

2). This application is filed for condonation of delay of 9 days in filing the First Appeal. The application is opposed by respondent no.1, the original claimant. The explanation for condoning the delay is stated at paras-2, 3 and 4 of the application. The impugned order was passed on 6th November, 2014. The Insurance Company/applicant applied for certified copy on 22nd November, 2014. Though the same was ready on the very day, it was collected by the applicant only on 11th December, 2015. According to the applicant, its Regional Office, Thane took its own

time to decide to file appeal and forwarded the file to the office at Mumbai. Thereafter, the Advocate on the panel was appointed to file the appeal and the appeal came to be filed alongwith the application for condonation of delay on 18th March, 2015. The application, merely states the dates on which certain actions were taken without stating any case whatsoever to explain the delay. Thus, the application is virtually without any explanation. In that circumstance, it is liable to be dismissed. Hence, the civil application is dismissed.

3). In view of dismissal of the application for condonation of delay, the first appeal alongwith the civil application filed for interim reliefs does not survive. The same are accordingly disposed off.

(SMT. R.P. SONDURBALDOTA, J)