

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.3851 OF 2015

IN

FIRST APPEAL STAMP NO.30672 OF 2015

Reliance General Insurance Co. Ltd.

.. Applicant/Appellant

Versus

Hanmant Tukaram Raut and others

.. Respondents

**Ms. Allena George a/w Ms. Deepika Motagi i/by Res Juris for the
Applicant/Appellant.**

Mr. R. V. Sankpal for the Respondent Nos.1 and 2.

CORAM : R.M. SAVANT, J.

DATE : 28th JULY 2016

PC.

1 The above Civil Application has been filed for condonation of delay of 278 days in filing the above First Appeal. The reasons therefor are mentioned in paragraphs 3 to 7 of the Civil Application. The sum and substance of the reasons is that in arriving at decision whether to file an Appeal or not some time has lost resulting in the said delay of 278 days. The Learned Counsel appearing on behalf of the Claimants i.e. Respondent Nos.1 and 2 herein opposes the application, but ultimately leaves it to this Court. In my view, the reasons mentioned in the Civil Application do not justify the delay of 278 days in filing the above First Appeal. It is required

to be noted that the Appellant is a private Insurance Company and therefore is expected to act with reasonable despatch. However having regard to the fact that the Applicant/Appellant should not be thrown out on technical grounds but should be given a chance to prosecute its remedy on merits, this Court deems it appropriate to condone the delay. However the same would be on the pains of imposing costs on the Applicant/Appellant. The Civil Application is accordingly allowed. Resultantly, the delay of 278 days in filing the above First Appeal stands condoned. The Applicant/Appellant to pay cost of Rs.10,000/- to the Respondent Nos.1 and 2 within two weeks from date. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]