

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3918 OF 2015**  
**with**  
**CIVIL APPLICATION NO.3230 OF 2014**  
**IN**  
**FIRST APPEAL st. NO.24479 OF 2015**  
**with**  
**FIRST APPEAL st. NO.24479 OF 2015**

Vaibhav Dilip Lotankar ... Applicant

Vs.

Asishbhai Vinubhai Kodhari & anr. ... Respondents

Ms.Varsha Chavan for the Applicant in CAF/3918/2015  
Ms.Yogita Deshmukh i/b Milind Satahye for Applicantin CAF/3230/2014

**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATE: 10<sup>th</sup> FEBRUARY, 2016**

**P.C.:**

1. Civil Application No.3918 of 2015 is filed for condonation of delay of 416 days in filing the First Appeal st. No.24479 of 2015. Learned Counsel for the insurance company opposes this application and seeks time to file reply.
2. Learned Counsel for the applicant submits that the appellant/original claimant could not file the appeal for enhancement of the claim amount as he was not properly advised in respect of filing the appeal for enhancement. Thereafter, he was not having money to consult a Counsel

as also he did not receive money which is deposited by the insurance company. After a long time and with the help from some of his friends, the applicant managed to arrange funds for the Court fees and, therefore, there is delay.

3. The learned Counsel for the insurance company submits that by way of last chance, time may be given to file reply to this application. However, it appears that this application is served on the insurance company in December, 2015 and, therefore, I am of the view that sufficient time is given and so, there is no need to give more time.

4. In view of the explanation, sufficient cause is made out by the appellant, the original claimants. Hence, the delay is condoned. Appeal be numbered. Application is thus allowed.

5. List the present appeal alongwith the appeal filed by the insurance company on 2.3.2016.

**(MRIDULA BHATKAR, J.)**