

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (APPEALS) NO.1773 OF 2016**

IN

APPEALS (LODGING) NO.195 OF 2016

National Insurance Company Ltd.	...Applicant
In the matter between	
National Insurance Company Ltd.	...Appellant

Versus

M/s. Boghara Polyfab Pvt. Ltd.	...Respondent
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Mr. Y. Ghoghari with Mr. Asim Vidyarthi and Mr. Advait Tamhankar i/b. Mr. A.J. Vidyarthi for the Applicant.
Mr. P.G. Bhatia for Respondent.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 15 NOVEMBER, 2016.

ORDER :

Heard the learned counsel appearing for the Applicant and the learned counsel appearing for the Respondent.

2. The learned counsel appearing for the Respondent opposes this notice of motion for condonation of delay of 24 days in preferring an Appeal on the ground that order dated 30th June, 2016 passed by a Division Bench of this Court directing the Applicant /Appellant to remove office objection within a period of two weeks has not been complied with. However, the learned counsel for the Applicant invited our attention to the order dated

20th October, 2016 passed by the Prothonotary and Senior Master, by which the time to remove office objections in the appeal and notice of motion for interim relief has been extended by a period of two weeks after the disposal of present notice of motion.

3. Another objection raised by the learned counsel appearing for the Respondent is that against the impugned order, the Respondent has preferred a Special Leave Petition before the Apex Court in which notice has been issued.

4. As far as the first objection is concerned, we may note here that the order dated 30th June, 2016 is not a conditional order. The appeal is still pending. Therefore, the said objection had no substance. As far as the second objection is concerned, the pendency of Special Leave Petition does not prevent this Court from deciding this motion for condonation of delay. The effect of pendency of Special Leave Petition will have to be considered when this Court takes up the appeal for admission hearing.

5. In view of the averments made in the affidavit in support, sufficient cause is made out for condonation of delay. In the reply filed by the Respondent, the main objection is raised on the basis of pendency of Special Leave Petition.

6. Hence, sufficient cause is made out. The notice of motion is made absolute in terms of prayer clause (a). The appeal shall be listed for admission after all the office objections are removed.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)