

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

6 CIVIL APPLICATION NO. 5771 OF 2016
IN FAST/10314/2016

NEW INDIA ASSURANCE CO. LTD.
VERSUS
BHAGWAT MURLIDHAR KHANDE AND ANR

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Advocate for Applicant : Mr. Arun G. Kanade

CORAM : K.K. SONAWANE, J.

DATE : 9th November, 2017.

PER COURT:

1] When the matter is called out, learned counsel for the respondent No.1 Shri Mayure remained absent. Despite service of notice respondent No.2 did not cause his appearance in this matter. Learned counsel for the appellant/applicant is present. I have heard the learned counsel for the applicant Insurance company.

2] This is an application for condonation of delay. It has been submitted that the delay is not intentional and deliberate but caused due to compliance of official process. The applicant is State Government undertaking company and in case delay is not condoned, no one individual would be affected but public funds will be at stake. Therefore, he prayed to condone the delay.

3] As referred above, none appears for the respondent. The matter pertains to condonation of delay of 95 days and considering the nature of subject matter, I proceed further to adjudicate the application for condonation of delay in absence of the respondents.

4] In view of the submissions made on behalf of the applicant and the reasons mentioned in the application, I do not find any impediment to allow the application. In my opinion, reasonable opportunity is essential to be granted to the applicant for redressal of its grievances. Therefore, the application stands allowed in terms of prayer clause (B). Delay caused for filing the appeal is hereby condoned. Registry to take requisite steps for further process. After registration of appeal, issue notice to respondents returnable on 11.12.2017. Meanwhile call for R. & P from the concerned tribunal.

[K.K. SONAWANE]
JUDGE.

grt/-