

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 497 OF 2016

IN

STAMP NUMBER MAIN NO. 1644 OF 2016

HDFC ERGO GENERAL INSURANCE CO.
LTD. THR. ITS AUT. SIG. MR. DEEPAK
FADNAVIS.

... Applicant

Versus

SHRI. ARAKSHITA MAHARANA ALIAS
ARAKSHITA MOHARANA AND 5 ORS.

... Respondent

Shri Vaman Ganesh Kurtikar, Advocate for the Applicants.
Shri Vallabh D. Pangam, Advocate for the Respondents No.1 to
4.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 21st June, 2017

P.C.:

i have perused the application which reveals that there has been a delay of 62 days in filing the appeal against the judgment and award dated 27/10/2015. The ground urged on behalf of the applicants is that the Advocate then appearing for the applicants had not informed them and that the concerned Advocate had submitted the copy of the impugned judgment and award only on 6/01/2006 along with the letter of the same date. The delay was occasioned on account of the erstwhile Advocate and hence the same had to be condoned. Besides, the judgment was forwarded to their Thane office and in the meantime the concerned Officer of the applicants dealing with the matters was transferred and

which further delayed the proceedings. The records were received by the Head Office only on 15/03/2016 and thereafter on going through the various procedural hassles a decision was taken to prefer an appeal and in that process there was further delay of a month. In the circumstances therefore the delay had to be condoned.

2. The respondents besides appearance did not seriously controvert these facts on behalf of the applicants seeking the condonation of delay. In any event, the contents of the application have been fully affirmed by their Officer on oath and besides supported it with the letter of the erstwhile Advocate enclosing the certified copy of the judgment. In any event, the applicants would not stand to benefit by preferring an appeal belatedly but for the reasons urged in the application. A fit case has been made out to condone the delay and in view thereof the delay is condoned. The Registry to register the appeal. The application stands disposed off.

NUTAN D. SARDESSAI, J.

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