

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

**CIVIL APPLICATION NO.1373 OF 2012
IN
FIRST APPEAL (ST) NO.9401 OF 2012**

United India Insurance Co. Ltd. ..Appellant/Applicant

V/s.

Mr.Vimal Ratanlal Goenka & Ors. ..Respondents

Mr.Atul B. Gatne for the Appellant/Applicant.

Mr.T.J. Mendon for Respondent Nos.1 & 2.

CORAM : M. S. SONAK, J.

DATE : 07 FEBRUARY 2017.

P.C.

1. Heard the learned counsel for the parties.

2. For the reasons set out in the Civil Application, delay of 154 of days in instituting the appeal is condoned. The Civil Application, the reasons on account of which, the appeal could not be filed within prescribed period of limitation have been set out. Although, the applicant could have been the more diligent, this is not a case where the condonation of delay should be declined. Rather, this is a case where condonation can be allowed subject to payment of cost.

3. Accordingly, this Civil Application is allowed, subject to payment of cost to respondent Nos.1 and 2 which are assessed Rs.5,000/- each. Such cost to be paid/deposited within a period of four weeks from today. In case the costs are not paid this application shall be deemed to have been dismissed. In case the costs are paid/deposited before MACT the respondent Nos.1 and 2 shall be at liberty to withdraw the same. The Civil Application is disposed of. Place the appeal for admission after four weeks in case the amount of costs are paid/deposited.

(M. S. SONAK, J.)