

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4037 OF 2014
IN
FIRST APPEAL (STAMP) NO. 13785 OF 2002

Smt. Rani Jagdish Sahadevan & Ors. .. Applicants
vs.
Oriental Insurance Co. Ltd. & Ors. .. Respondents

Mr. A. Pungliya i/b. Neel Pungliya for Applicants / Appellants.
None for Respondents.

CORAM : M. S. SONAK, J.
DATE : 09 MARCH 2017

P.C :

1] Heard Mr. Pungliya, learned counsel for the applicants.

2] This is a civil application seeking condonation of delay in instituting the first appeal. According to the applicants, the delay is of 392 days. However, according to the Registry, the delay is of 2 years and 65 days. In the matter of this nature, the quantum of delay is not very significant but the explanation furnished for such delay is what matters.

3] Mr. Pungliya makes a statement that the respondents have been duly served and necessary affidavit of service has also been filed. There is no affidavit in reply filed on behalf of the respondents.

4] The civil application states that the delay was occasioned mainly because of some confusion with regard to obtaining certified copies. The explanation is contained in paragraph 3 of the civil application. The explanation, can be accepted in the facts and circumstances of the present case.

5] As against the impugned judgment and award, even the insurance company, has instituted first appeal no. 1481 of 2002, which has already been admitted. In these circumstances, it was possible for the applicants to have simply lodged their cross objections in the appeal instituted by the insurance company.

6] Learned counsel for the applicants state that since there was difficulty in obtaining certified copies, such a request was in fact made. However, the same was not pursued to its logical conclusion.

7] Taking into consideration all such circumstances, the delay in institution of the appeal is hereby condoned.

8] Civil application is disposed of accordingly.

(M. S. SONAK, J.)