

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

**CIVIL APPLICATION NO.1353 OF 2016
IN
FIRST APPEAL (ST) NO.16091 OF 2015**

The Divisional Manager
The New India Assurance Co. Ltd. ..Applicant/Appellant
V/s.
Mr.Vasantrao Bhikoba Mali & Ors. ..Respondents

Ms.S.S. Dwivedi for the Applicant/Appellant.

Mr.S.A. Sawant for Respondent No.1.

Mr.Chaitanya Nikte for Respondent No.3 in CA No.1353 of 2016.

CORAM : M. S. SONAK, J.

DATE : 20 MARCH 2017.

P.C.

1. Heard the learned counsel for the parties.
2. There is a delay of 77 days in instituting the First Appeal.
3. In the Civil Application, it is stated that the case papers for the purposes of filing of the First Appeal were sent to the advocate. The advocate could not draft the appeal in time on

account of her illness. There is sufficient cause shown for not instituting the appeal within the prescribed time period.

4. Mr.Sawant submits that respondent No.2 i.e. mother of the deceased has expired and that the father of the respondent no.2 is under medical treatment. These are not ground for opposing the application for condonation of delay. As regards the cause shown in the Civil Application, there is no serious dispute. Accordingly, the delay in the institution of the appeal is condoned. This shall however be subject to costs of Rs. 5,000/- which shall be paid by the appellant to the respondent No.1 within a period of two weeks from today.

5. The Civil Application is disposed of.

(M. S. SONAK, J.)