

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4070 OF 2015

AND

CIVIL APPLICATION NO. 4071 OF 2015

IN

FIRST APPEAL (ST) NO. 33137 OF 2015

Bajaj Allianz General Insurance
Company Ltd.

.. Appellant

vs.

Smt. Chhaya R. Suryavanshi and anr.

.. Respondents

WITH

CIVIL APPLICATION NO. 138 OF 2017

Smt. Chhaya R. Suryavanshi

.. Applicant

vs.

Bajaj Allianz General Insurance
Company Ltd.

.. Respondent.

Mr. M.M. Sathaye a/w. Ms Yogita Deshmukh for Bajaj Allianz
General Insurance Company.

Mr. Sangram Singh Yadav for the Respondent-Chhaya Suryavanshi.

Ms Manjiri Parasnis for the Respondent -Dr. Shailesh Bhalchandra.

CORAM : M. S. SONAK, J.

DATE : 7 FEBRUARY 2017.

P.C. :-

1] By Civil Application No.4070 of 2015, the applicant - Insurance Company seeking condonation of delay of about 330 days in instituting the first appeal. The application is verified by one Mr. Irfan Shaikh in his capacity as authorised signatory. In paragraph 9, vague and unverifiable statements have been made to seek condonation of delay. It is stated that the corporate procedures take time. It is further stated that there were intervening Christmas and Summer vacations, which contributed the delay. Then it is stated that some settlement talks were on and only after settlement were not found to be possible, the lawyer was instructed to file an appeal.

Then it is stated that the lawyer took some time to trace the brief, which went missing.

2] The aforesaid means that every possible reason, without furnish of any particulars, has just been set out in the application seeking condonation of delay in the fond hope that at least one of such reasons stick. This is not a proper course for explaining the delay particularly in matters of this nature. The appellant is a private Insurance Company and the statement that the corporate procedures involve delay is not acceptable. The Christmas and Summer vacations are almost six months apart. Therefore, to say that these two vacations contributed to delay, is virtually making a mockery of the period which has been prescribed. On basis of such vague and unverifiable pleas, it cannot be said that any sufficient cause has been made out.

3] Accordingly, the application seeking condonation of delay is dismissed. Consequently, the appeal itself is dismissed. The pending civil applications do not survive and the same are also disposed of.

(M. S. SONAK, J.)

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