

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR

CAF No. 1750 of 2014 In FA (St) No. 8478/2014

The Oriental Insurance v. Smt Pratibha and ors

Shri A. W. Paunikar, advocate for appellant

Ms Anita Singh, Advocate for respondents no. 5 and 7

Coram : S. B. Shukre, J

Dated : 24th November 2017

P.C.

Heard learned counsel for the appellant and learned counsel for respondents no. 5 and 7. Nobody appears on behalf of the remaining respondents though duly served. This application is opposed by learned counsel for respondents no. 5 and 7. However, she submits that appropriate order may be passed on this application. Respondents no. 1 to 4 have filed reply opposing the application and stating that the delay has not been properly explained and in a *bonafide* manner. However, there is no appearance on behalf of these respondents.

Perusal of the application at least shows that there are no malafides on the part of the applicant. Delay has not been explained on day-to-day basis, but there is general explanation given for the delay.. It suggests, due to bureaucratic procedure together with red tapism, the delay has occurred. If that is so, the appellant as an institution need not suffer for the fault on the part of its officials. The appellant

would be at liberty to take appropriate action against the officials not following their duties properly.

In view of the above, I find that this application deserves to be allowed. Application is allowed. Delay is condoned with a hope that appropriate action shall be taken against the appellant against the erring officials by fixing liability against them.

True copy of the order be supplied to learned counsel for the appellant. Registrar (Judicial) is requested to send true copy of this order to the appellant for taking appropriate steps/action in the matter. Disposed of. Appeal be registered.

FA (St) No. 8478/2014 : Heard. Admit. Call for Record and Proceedings. Ms Anita Singh, learned counsel waives notice for respondents no. 5 and 7. Private paper book be filed within one year.

JUDGE

joshi,