

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

949 CIVIL APPLICATION NO. 4761 OF 2018
IN
FAST/9818/2018

ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
THR. ITS MANAGER, AURANGABAD

VERSUS

SANJIVANI SADASHIV NAGARGOJE AND ORS.

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Mr. A.G.Choudhari, Advocate for applicant.
Mr. S.B.Solunke h/f Mr. A.R.Gaikwad,
Advocate for R – 1 to 6.

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CORAM : V.L.ACHLIYA, J.

DATE : 27th JULY, 2018

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ORAL ORDER :

1. The applicant has moved this application for condonation of 179 days delay in filing Appeal against the impugned Judgment and Award passed by the Tribunal.
2. Heard learned counsel for the applicant and respondent Nos. 1 to 6.
3. Respondent No. 7 though served, absent.
4. In brief, it is the contention of learned counsel for the applicant that the delay caused in filing Appeal was due to time spent in securing requisite permission from the higher authorities and delay was not deliberate. He submits that in case delay is not condoned, there is likelihood that meritorious matter may be dismissed.

5. On the other hand, learned counsel for respondent Nos. 1 to 6 submits that no sufficient cause has been assigned to condone delay and the explanation as put-forth can not be accepted as cause to condone delay.

6. Upon considering the submissions advanced in the light of reasons stated in the application seeking condonation of delay, I am of the view that delay deserves to be condoned. No serious prejudice would cause to the respondents if delay is condoned.

7. Accordingly, the application is allowed in terms of prayer clause 'B' subject to cost of Rs. 5,000/- [Rupees Five Thousand] to be paid by the applicant to High Court Legal Services Authority within two weeks from the date of this order. On deposit of cost, delay stands condoned. Appeal be registered and place for admission on 13/08/2018.

8. Stand over to 13/08/2018.

[V.L.ACHLIYA]
JUDGE