

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

**13 CIVIL APPLICATION NO. 7136 OF 2018
IN FAST/15355/2018**

UNITED INDIA INSURANCE CO. LTD., THR ITS ADMINISTRATIVE OFFICER
M.P. VIRAT, AURAN

VERSUS

NANDA AJAY DAHIWADKAR AND ORS

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Advocate for Applicant : Mr.Swapnil S. Rathi
Adv for Respondent Nos. 1 to 5 :- Mr. A.T. Kanawade.

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CORAM : V.L. ACHLIYA,J.

DATED : 1st August , 2018.

Order :-

1. The applicants/appellants have preferred this application for condonation of delay of 64 days in filing appeal against the judgment and order passed by the Tribunal, for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant and respondent Nos. 1 to 5. None appears for respondent Nos. 6(1) to 6(4) though served.

3. The learned counsel for the applicants submits that the delay caused in filing the appeal was due to completing procedural requirements and there was no intentional delay in filing the appeal. He submits that the applicants have a good case to succeed in the appeal. In case delay is not condoned, there is every likelihood that a meritorious matter may be dismissed without technical reasons.

4. The learned counsel for respondent Nos. 1 to 5 opposed the application with contention that the reasons assigned in the application are not satisfactory, so also, no specific details have been given in the application. The averments made in the application are vague.

5. Considering the submissions advanced in the light of unchallenged pleadings, I am of the view that delay has been satisfactorily explained. The condonation of delay would not cause serious prejudice to the respondents, as ultimately the appeal will be decided on merit.

6. In that view, I am inclined to allow the application, subject to payment of costs of Rs. 5,000/- to be paid directly to the respondent Nos. 1 to 5 , within a period of two weeks from the date of order. On deposit of cost within the stipulated period, the delay stands condoned. On failure to deposit the costs as aforesaid, the application shall stand dismissed without reference to the court. If the costs are paid within stipulated time, appeal be registered.

7. Place the matter for compliance on 21st August, 2018.

[V.L. ACHLIYA]
JUDGE

grt.