

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

911 CIVIL APPLICATION NO. 13842 OF 2017
IN FAST/34915/2017

NEW INDIA ASSURANCE CO.LTD.
THROUGH DIVISIONAL MANAGER, AURANGABAD.
VERSUS
MEENABAI W/O. KACHRU KAPARE AND OTHERS.

...
Advocate for Applicant : Mr. S.G. Chapalgaonkar.
AGP for Respondent Nos. 1 to 3: Mr. S.B. Chaudhari,
Advocate for respondent No.4 to 6 : Mr. A.N. Sikchi,
Advocate for respondent Nos.7 and 8 : Mr. A.S. Kakade.

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CORAM : V.L. ACHLIYA,J.

DATED : 1st August , 2018.

Order :-

1. The applicant/appellant Insurance company has preferred this application to condone 76 days delay in filing the appeal against the impugned judgment and award, for the reasons set out in detail in the application.
2. Heard learned counsel for the applicant. Mr. S.B. Chaudhari, Advocate appears for respondent Nos. 1 to 3 and undertakes to file VP on behalf of said respondents. Mr. Kakde, Advocate appears for respondent Nos. 7 and 8 and undertakes to file VP for the said respondents. Mr. Sikchi, Advocate appears for respondent Nos. 4 to 6 and undertakes to file VP.
3. By consent the application is taken up for hearing.
4. Learned counsel for the applicant submits that the delay caused in filing the appeal was due to the reasons set out in detail in the application. The learned counsel submits that the delay was not intentional and deliberate but caused due to securing necessary compliance and approval from the higher authorities.

5. On the other hand, learned counsel for respondents opposed the application with contention that no sufficient cause has been assigned to condone the delay and the reasons assigned are false, concocted and by way of an after-thought.

6. Considering the submissions advanced, in the light of overall facts of the case, I am of the view that delay deserves to be condoned. In case, delay is condoned no serious prejudice would be caused to the respondents, as ultimately the appeal is to be decided on merit. However, if delay is not condoned there is every possibility that serious prejudice may be caused to the applicants. I am, therefore, inclined to allow the application subject to payment of cost of Rs. 5,000/- to be deposited within two weeks from the date of this order. On deposit of cost, appeal be registered and placed for admission on 25th August, 2018. In case cost amount is deposited, the same be paid to the Government Cancer Hospital, Aurangabad.

[V.L. ACHLIYA]
JUDGE

grt.