

**IN THE HIGH COURT OF BOMBAY AT GOA**

MISC.CIVIL APPLICATION NO. 630 OF 2018

IN

STAMP NUMBER MAIN NO. 43 OF 2018

BAJAJ ALLIANZ GENERAL INSURANCE  
CO. LTD., THR. NILESH  
SUBASHCHANDRA GANDHI.,

... Applicant

Versus

BABU SHANU NAIK AND 2 ORS.,

... Respondents

Shri Amey Jagdish Sinai Kakodkar, Advocate for the applicant.  
Shri Dharmanand R. Vernekar, Advocate for the respondent  
nos.2 and 3.

Coram:- C. V. BHADANG, J.

Date:- 19th November 2018

P.C.

Heard the learned Counsel for the applicant and the learned  
Counsel for the respondent nos.2 and 3.

2. This is an application for condonation of delay of 279 days in  
filing appeal.

3. The respondent no.1, who is the original claimant, is absent,  
though served.

4. One of the reasons for delay is that the application was filed  
by the applicant under Section 152 of CPC for correction of the  
Award, which was rejected on 22/08/2017. In para 10 of the  
application, it is contended that on 23/11/2017, Panaji Divisional  
Office of the applicant approached their panel Advocate and a

meeting was fixed on 27/11/2017, on which date, the mother of the Advocate suffered heart attack and was required to be hospitalised till 13/12/2017. It is also contended that the Advocate himself took ill and therefore, steps could not be taken to file the appeal.

5. The learned Counsel for the respondent nos.2 and 3, in all fairness, has not controverted the allegations as mentioned in paragraphs 10 and 11 of the application and has left the matter to the discretion of the Court in so far as condonation of delay is concerned.

6. Considering the overall circumstances, I find that the applicant has made out sufficient cause for condonation of delay.

7. The application is accordingly allowed. Delay in filing the appeal is hereby condoned. Let the appeal be registered.

C. V. BHADANG, J.

SMA