

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

947. CIVIL APPLICATION NO.1774 OF 2019
IN FAST/740/2019
WITH
CA/1776/2019 IN FAST/745/2019

The New India Assurance Co. Ltd.,
through its authorized signatory, Aurangabad ...Applicant
Versus
Sonali @ Dnyaneshwari Rajendra Netke and anr. ...Respondents

Mr. M.R. Deshmukh, Advocate for applicant
Mr. N.B. Patekar, Advocate for respondent No.2

CORAM : V.L. ACHLIYA, J.

DATE : 28th March, 2019

PER COURT :

1. Both these applications are filed seeking condonation of delay for the reasons set out in detail in the respective applications.
2. Heard learned Counsel for the applicants/appellants and respondent No.2. The respondents-claimants are absent.
3. In brief, it is the contention of the learned Counsel for the applicants that the delay caused in filing appeal was not deliberate but caused due to time spent in securing the opinion and clearance from the Regional Office of the appellant/Insurance Company, which is located at Pune. He submits that the

appellants have good case to succeed in the appeal and in case delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason.

4. On the other hand, learned Counsel for respondent No.2 opposed the applications with the contention that the cause assigned for condonation of delay is not sufficient to condone delay. He submits that the time consumed for procedural compliances on the part of the applicants cannot be treated as a sufficient cause to condone the delay.

5. Having considered the submissions advanced in the light of the unchallenged pleadings made in the respective applications, I am of the view that the delay deserves to be condoned. No serious prejudice would cause if delay is condoned. On the contrary, if delay is not condoned, there is likelihood that the meritorious matter may be rejected for technical reason. I am, therefore, inclined to allow both the applications. Accordingly, the applications are allowed in terms of prayer clause 'B'. The appeals be registered and place for admission.

6. Both the applications be marked as disposed of.

7. Stand over to 30th April 2019.

(V.L. ACHLIYA)
JUDGE

Madkar