

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CIVIL APPLICATION NO.2247/2019 IN FAST 2018/2019

HDFC ERGO GENERAL INSURANCE CO.LTD., THROUGH ITS
AUTHORIZED MANAGER, AURANGABAD
VERSUS

RAM DIGAMBAR SONAWANE AND OTHERS

...

Advocate for Applicant : Shri S.S. Dargad h/f Shri S.G.
Chapalgaonkar

Advocate for Respondent no.1 : Shri Ram Shinde
Respondent nos.2 & 3 served.

CORAM: V.L. ACHLIYA, J.

DATE: 03.04.2019

PER COURT :

1] The applicant / appellant has moved this application for condonation of delay of 108 days caused in filing the appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant / appellant and the learned counsel for the respondent no.1. The respondent nos.2 & 3, though served, are absent.

3] In brief, it is the contention of learned counsel for the applicant that the delay caused in filing the appeal was not deliberate and same had caused due to securing clearance for filing the appeal.

4] On the other hand, the learned counsel for the respondent no.1 opposed the application with contention

- 2 -

that the cause assigned is not sufficient to condone the delay.

5] Considering the submissions advanced in the light of unchallenged pleadings made in the application being not controverted and the reasons assigned, I am of the view that the delay is sufficiently explained. In case the delay is condoned, no serious prejudice would be caused to the respondents. On the other hand, if delay is not condoned, there is every likelihood that the appellant may suffer serious prejudice as the appeal will be dismissed on technical reason. I am, therefore, inclined to allow the application.

6] Accordingly, the application is allowed in terms of prayer clause (B). Delay is condoned. Appeal be registered and placed for admission on 6.6.2019.

7] Call R & P.

8] Shri Ram Shinde, learned counsel waives notice for the respondent no.1.

(V.L. ACHLIYA, J.)