

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

936 CIVIL APPLICATION NO.3545 OF 2018
IN FIRST APPEAL STAMP NO.6378 OF 2018

THE ORIENTAL INSURANCE CO. LTD. AURANGABAD
VERSUS
FAUZIYABI W/O.ABDUL BARI & OTHERS

...
Advocate for Applicant : Mr.Arun G. Kanade
Advocate for Respondent nos.1 to 3 :
Mr.Hamzakhan Pathan
...

CORAM : V.L.ACHLIYA,J.
DATE : 10.12.2019

PER COURT:

1] This application is filed for condonation of 24 days delay in filing First Appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant-appellant and the respondent nos.1 to 3 i.e. claimants. Notice sent to respondent no.4 is returned unserved with endorsement that he is not residing on the given address; so also notice sent to respondent no.5 is returned unserved with endorsement that he refused to accept the notice. It is submitted that the respondent

nos.4 and 5 were proceeded as *ex parte* before the Tribunal.

3] On due consideration of the submissions advanced in the light of the reasons assigned for condonation of delay and delay is only of 24 days, which cannot be termed as inordinate, I am of the view that delay deserves to be condoned. If delay is condoned, no serious prejudice would be caused to the respondents. Accordingly, application is allowed in terms of prayer clause-B. Delay is condoned. Appeal be registered.

4] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC