

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

928. CIVIL APPLICATION NO.8603 OF 2013
IN FAST/18840/2013

UNITED INDIA INSURANCE CO. LTD.

VERSUS

KANTA SANJAY SHINDE AND OTHERS

Mr. A.B. Gatne, Advocate for applicant

Mr. G.B. Rajale, Advocate for Respondents No.1 to 3

CORAM : V.L. ACHLIYA, J.

DATE : 10th April, 2019

PER COURT :

1. The applicant-appellant has moved this application for condonation of 350 days' delay caused in filing appeal for the reasons set out in detail in the application.

2. Heard the learned Counsel for the applicant and the Counsel representing respondents No.1 to 3. None present for respondent No.4 though served and recorded appearance through Advocate.

3. In brief it is contention of the learned Counsel for the

applicant that delay caused in filing appeal is not intentional but occurred due to reason that the applicant had moved the application seeking review of the judgment and order. The award was passed on 9th April 2012. Application for certified copies was filed on 11th April 2012 and copies were delivered on 26th April 2012. Thereafter, the review application was filed, which was decided on 12th April 2013. Immediately thereafter present appeal is filed on 8th July 2013. In this background, the learned Counsel submits that the delay occurred was not deliberate but due to the reason that the applicant was prosecuting the remedy by way of review.

4. On the other hand, the learned Counsel for the respondents submits that the reasons assigned for condoning delay are vague and not sufficient to condone delay of 350 days.

5. Considering the submissions in the light of overall facts of the case and the challenge raised in the appeal, I am of the view the delay deserves to be condoned. In case delay is condoned, no serious prejudice would cause to the otherside as the appeal will be decided on merits. On the contrary, if delay is not condoned, there is every likelihood that the meritorious matter may be rejected for technical reason. I am, therefore, inclined to allow the application. Accordingly the application is allowed. Delay is condoned. Appeal

be registered and place for admission on 29th April 2019. Mr. Rajale, learned Counsel waives service for respondents No.1 to 3.

6. Call record and proceedings.
7. The application is disposed of in above terms.
8. Stand over to 29th April 2019.

(V.L. ACHLIYA)
JUDGE

Madkar