

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

933 CIVIL APPLICATION NO.11027 OF 2019
IN
FIRST APPEAL STAMP NO.24887 OF 2019

THE ORIENTAL INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER, AURANGABAD
VERSUS
ASHAMATI RAMA PANZADE & OTHERS

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Advocate for Applicant : Mr.A.A.Puranik h/f.
Mr.Avinash S. Deshpande.

Advocate for Respondent nos.1 to 5 :
Mr.P.C.Mayure

Advocate for respondent no.6 : Mr.M.P.Kale

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

PER COURT:

1] This application is filed for condonation of 184 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 6. The respondent no.7 though served absent.

3] In brief, it is the contention of the learned counsel for the applicant-appellant that delay caused in filing Appeal

cannot be termed as deliberate and intentional. It is submitted that after receipt of the copy of judgment and award, the matter was scrutinized and processed for filing Appeal. The Regional office of Insurance Company is situated at Nagpur. On due proposal from the Regional Office of Insurance Company at Nagpur, the decision was taken to file Appeal. Accordingly, steps were taken to file Appeal. In the process, there was delay of 184 days in filing Appeal.

4] Learned counsel for the respondents opposed application with contention that cause assigned for condonation of delay cannot be termed as sufficient to condone delay. It is submitted that the reasons assigned are false and concocted.

5] On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application, I am of the view that application deserves to be allowed. If delay is condoned, no serious prejudice would be caused to the respondents as ultimately the matter would be decided on its own merits. On the contrary, if delay is not

condoned, there is every likelihood that a meritorious matter may be rejected for technical reasons. I am, therefore, inclined to allow application. Accordingly, application is allowed in terms of prayer clause-B. Appeal be registered.

6] Civil Application is disposed of in above terms.

7] List the Appeal on 27th January, 2020, along with connected First Appeal No.416 of 2019 filed by the respondents—claimants, seeking enhancement of amount, arising out of the same award, subject to removal of office objections.

[V.L.ACHLIYA]
JUDGE

DDC