

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

**CIVIL APPLICATION NO.11502 OF 2018
IN FAST/27271/2018**

**THE ORIENTAL INSURANCE COMPANY LTD. THR ITS AUTHORIZED
SIGNATORY, AURANGABAD
VERSUS
AHILYABAI GOVINDRAO DHANORKAR PATIL AND ORS**

...
Mr. D.P. Deshpande, Advocate for applicant.
Mr. M.D. Narwadkar, Advocate for respondent Nos.1 to 4.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for condoning the delay of 140 days in filing first appeal by the insurance company who was respondent No.2 before the tribunal.

2. It is to be noted that earlier, notices were issued to all the respondents. Respondent Nos.1 to 4 appeared through Advocate. However, notice to respondent No.5 is concerned, it has been returned unserved on the ground of incorrect address. By a separate order in Civil Application No.11148 of 2019, notice of respondent No.5 is allowed to be served by paper publication. However, as regards the present application for

condonation of delay is concerned, only respondent Nos.1 to 4, who are the original claimants would be interested in contesting the matter. Therefore, even though respondent No.5 is not served, yet, there is no hurdle in deciding this application.

3. Learned Advocate appearing for respondent Nos.1 to 4 has strong objection to allow the application on the ground that the delay has not been properly explained.

4. Taking into consideration the contents of the application and the applicant is insurance company which has to adopt appropriate proceedings, the delay stands condoned.

5. Civil Application stands allowed and disposed of accordingly.

6. Registry to verify and register the first appeal and place it for further consideration on 04.12.2019.

7. Learned Advocate Mr. Narwadkar waives notice for appeal also and in respect of respondent No.5, notice be given of the appeal.

(SMT. VIBHA KANKANWADI, J.)

SCM