

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

931 CIVIL APPLICATION NO.15164 OF 2017
IN FAST/34712/2017

M/S SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER / AUTHORISED SIGNA

VERSUS

YADAV SHANKAR AHIRE (PATIL) AND ORS

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Advocate for Appellant : Mr. S.S. Dargad h/f MR. S.G. Chapalgaonkar

Advocate for Respondent Nos. 1 and 2 : Mr. C.V. Bhadane

Advocate for Respondent Nos. 6 and 7 : Mr. V.P. Raje

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CORAM : V.L. ACHLIYA, J.

DATED : 11th APRIL, 2019

PER COURT:-

1. The applicant – appellant has moved this application for condonation of 54 days delay in filing the appeal, for the reasons set out in detail in the application.
2. Heard the learned counsel for the applicant and the Advocate representing the respondents.
3. In brief, it is the contention of learned counsel for the applicant that the delay caused in filing the appeal was not intentional or deliberate but occurred due to securing the legal opinion and approval from the head office of the applicant - insurance company situated at Jaipur.
4. On the other hand, the learned counsel for the respondents opposed the application with contention that the cause assigned is not sufficient to condone the delay and urged to rejected the application.

6. Considering the submissions advanced in the light of unchallenged pleadings in the application and the cause assigned for condonation of delay, I am of the view that the delay has been sufficiently explained. In case, delay is condoned, no serious prejudice would be caused to the respondents, as ultimately the appeal will be decided on its own merit. On the contrary, if delay is not condoned there is every likelihood that a serious prejudice may be caused to the applicant – appellant, as possibility of meritorious matter may be dismissed for technical reasons can not be ruled out. I am, therefore, inclined to allow the application.

7. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered and place for final hearing on 18.06.2019. Learned counsel for the respondents accept the notice of appeal for respective respondents.

8. Civil Application stand disposed of in above terms.

(V.L. ACHLIYA)
JUDGE

SPR