

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.352 OF 2016
IN
FIRST APPEAL (ST.)NO.2972 OF 2016**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Yogita Deshmukh I/b Mr.M.M.Sahaye for the applicant

Mr.M.A.Athalye for the respondent no.1 to 3

**CORAM : K. K. TATED, J
DATE : MARCH 12, 2019**

P.C.:

1 Heard.

2 Though Respondents are duly served, no one appeared on behalf of them when the matter was called out.

3 The learned counsel for the Applicant submits that Respondent no.4 Dinakar Ananda Sarak expired. She submits that Civil Application stands abated against Respondent no.4. She submits that legal heirs of

Respondent no.4 are already on record, therefore there is no question of bringing them on record. Statement is accepted at her cost and consequences.

4 By this Civil Application, Applicant Insurance Company is seeking condonation of 170 days delay in filing First Appeal.

5 The learned counsel for the Respondent nos.1 to 3 submits that they have no objection if delay is condoned.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a Delay in filing First Appeal is condoned.
- b. Civil application stands disposed off accordingly.
- c. No order as to costs.

(K.K. TATED, J.)