

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 458 OF 2017****IN****FIRST APPEAL (ST) NO. 4291 OF 2017****Bajaj Allianz General Insurance
Company Limited****.....Applicant****VERSUS****Tukaram Shankar Desale & Ors.****.....Respondents**

Ms.Aditi Athawale, i/b. Ms.Yogita M.Deshmukh for the Applicant.

Mr.Shirshak Chavanke for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 5th NOVEMBER, 2019****P.C.**

By this civil application, the applicant seeks condonation of delay of 80 days in filing first appeal. Delay is vehemently opposed by the learned counsel for the respondents on the ground that the delay is not sufficiently explained in the civil application. I have perused the averments made in the civil application. In my view, the delay is sufficiently explained in paragraph (7) of the civil application. No affidavit in reply is filed by the respondents though the civil application was served well in advance. The reasons recorded in paragraph (7) of the civil application are accepted. Delay of 80 days in filing first appeal is condoned. Civil application is made absolute in terms of prayer clause (a). No order as to costs.

2. At the request of the learned counsel for the appellant, place the first appeal on board for admission on **27th November, 2019**.

[R.D.DHANUKA, J.]