

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

**CIVIL APPLICATION NO. 3411 OF 2017
IN
FIRST APPEAL (ST.) NO. 21023 OF 2017**

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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P. A. Narayanan for the Applicant.
Ravindra Pachundkar for Respondent No. 5.
Shankar Katkar i/b Manisha Devkar for Respondent No.6.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 15, 2019**

P.C.

- 1 Heard learned Counsel for the parties.
- 2 Office note shows that the Civil Application stood dismissed against Respondent No. 2, 3 and 7 vide Learned Registrar's (Judicial-II) order dated 26/04/2018. In view of this fact, the First Appeal stood dismissed against Respondent No. 2, 3 and 7. Hence, the Registry is directed to make appropriate noting in the First Appeal memo.
3. By this Civil Application, Applicant Insurance Company is seeking condonation

of 102 days delay in filing First Appeal challenging the judgment and award dated 21/12/2016 passed by the MACT, Pune in MACP No. 477/2013.

4. The Learned Counsel for the Applicant submits that before filing First Appeal, they have to take approval from several departments. Therefore, there is delay in filing the First Appeal. He submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal and the matter to be heard on its own merits.

5. On the other hand, the Learned Counsel for Respondent Nos. 1 to 5 vehemently opposed the present Civil Application. He submits that, the Applicant failed to disclosed the sufficient cause for condonation of inordinate delay of 102 days in filing the First Appeal. Hence, there is no substance in the present Civil Application. The same is required to be dismissed with costs.

6. I heard both sides at length. The reasons given by the Applicant in the present Civil

Application shows the sufficient cause for condonation of 102 days delay in filing the First Appeal. Considering these facts and the submissions made by the learned Counsel for the Applicant, I am satisfied that Applicant has made out a case for allowing the Civil Application.

7. Hence, the following order is passed:

- a. Delay in filing First Appeal, is condoned.
- b. Registry is directed to make appropriate noting in memo of First Appeal that First Appeal stood dismissed against Respondent Nos. 2, 3 and 7.
- c. Civil Application stands disposed of accordingly.
- d. No order as to costs.

(K.K.TATED, J.)