

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

**CIVIL APPLICATION NO. 2382 OF 2017  
IN  
FIRST APPEAL (ST.) NO. 31495 OF 2016**

Iffco Tokio General Insurance Co. Ltd. ....Applicant  
V/s.  
Ashish Vinayak Petakar and anr. ....Respondents

Ms. Varsha Chavan for the applicant in CAF/2382/2017 and  
CAF/2383/2017 and FAST/31495/2016 and for the  
respondent in CAF/2674/2019.  
Mr. Pritesh Bohade for respondent no.1 and for the applicant  
in CAF/2674/2019.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : 02<sup>nd</sup> AUGUST, 2019**

**P.C.:-**

. At the outset, the learned counsel for the applicant seeks leave to amend the civil application so as to mention the number of days delay in paragraph no.5 as well as 6(a) of the application. Leave is granted. Application be amended forthwith.

2. The applicant has sought to condone the delay of 18 days in filing the appeal. In view of the explanation given in paragraph 5(a) to 5(d), which in my considered view, constitutes sufficient cause, the delay is condoned. Appeal be registered.

3. Civil Application No.2382/2017 stands disposed of.

**FIRST APPEAL (ST.) No.31495/2016 :-**

4. Mr. Pritesh Bohade, learned counsel waives service on behalf of respondent no.1. Issue notice to the respondent no.2, returnable on 19/08/2019. Private service is permitted.

Preeti H.  
Jayani

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Date: 2019.08.07  
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5. Appeal be listed for 'admission' on 19/08/2019.

**(SMT. ANUJA PRABHUDESSAI, J.)**