

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

CIVIL APPLICATION NO. 2407 OF 2017
IN
FIRST APPEAL ST. NO. 33484 OF 2016

The New India Assurance Co. Ltd. ...Applicant

Versus

Smt.Beena Paul and Ors. ...Respondents

.....
Ms.Poonam Mittal for the Applicant.

Mr.Parvez Daruwalla i/b. Mulla & Mulla for Respondent Nos.
1 to 4.

.....
CORAM:

V.G.BISHT, J.

DATE:

5TH DECEMBER, 2019

PC:-

1. This is an application seeking condonation of delay of 61 days in preferring an appeal against the judgment and decree dated 4th May, 2016 passed by learned Member, I/c. CR-8, MACT, Mumbai in Claim Application No. 2547 of 2011.

2. The reason assigned for delay is about scrutinizing of the matter by the concerned office and lengthy procedure

followed thereafter. Further, approval from the legal department and authorized signatory in preferring the appeal also contributed towards the delay.

3. Heard learned Counsel appearing for the applicant and learned Counsel appearing for respondent Nos.1 to 4.

4. The learned Counsel appearing for respondent Nos. 1 to 4 has opposed the application on the ground that no sufficient cause is shown for the delay subject to be condoned.

5. It is also apparent from the application that, in order to prefer the appeal against the impugned judgment and decree, the department was required to follow the procedure before giving approval in affirmative. Even otherwise, the applicant could not have gained by delaying the appeal. Moreover, it is also desirable that the matter be decided on merits by giving equal opportunity to both the sides. However, at the same time, one cannot lose sight of the fact that there is a delay

of 61 days and the same should be condoned, but subject to costs.

6. The application is allowed. The delay of 61 days in filing the appeal against the impugned judgment and decree in Claim Application No. 2547 of 2011 stands condoned, subject to payment of costs of Rs. 750/-. The applicant to pay a sum of Rs. 750/- to the office of Maharashtra State Legal Services Authority. On depositing the costs, the appeal be registered in accordance with law.

(V.G.BISHT, J.)