

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.701/2018
in
First Appeal (ST) No.36466/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. A. K. Sharma I/b. Gandhi & Associates for the Applicant Mr. Rupesh A. Zade for Respondent Nos.1 to 5.

CORAM: K.K.TATED, J.
DATED : AUGUST 6, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking condonation of 142 days delay in filing the First Appeal challenging the judgment and award dated 15.11.2016 passed by the MACT Baramati in MACP No.117/2015.

2 The learned counsel for the Applicant submits that as the time was spent for taking sanction from the higher authority, there is delay in filing the First Appeal. He submits that they have good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to condone

the delay in filing the First Appeal. If delay is not condoned, the Applicant would suffer loss.

3 On the other hand, the learned counsel for the Respondent-Claimant Nos.1 to 5 has vehemently opposed the Civil Application. He submits that the Applicant has not shown sufficient cause for condonation of inordinate delay of 142 days in filing the First Appeal. He submits that if sufficient cause is not shown, there is no question of allowing the Civil Application. Hence, the Civil Application is liable to be dismissed with costs.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. At the same time, the Applicant has to pay cost of Rs.1000/- to the original claimant.

5 Hence, following order is passed:

a. Delay in filing the First Appeal is condoned.

b. The Applicant has to pay cost of Rs.1000/- to the original claimant or his Advocate within four weeks from today and place a receipt thereof on record on or before the next date, failing which the Civil Application shall stand dismissed without further reference to the court.

c. The Civil Application stands disposed of accordingly.

d. No order as to costs.

(K.K.TATED, J.)