

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 CIVIL APPLICATION NO.1254 OF 2020
IN FIRST APPEAL [STAMP] NO.964 OF 2020

...
M/S.SHRIRAM GENERAL INSURANCE COMPANY LTD.
VERSUS
BHIMSHANKAR KARBHARI NAGARE & ANOTHER.
...

Mr.V.N.Upadhye, Advocate for the applicant –
appellant.
Mr.K.N.Shermale, Advocate for the respondent
nos.1 and 2 – claimants.
...

CORAM : V.L.ACHLIYA,J.
DATE : 18.12.2020

P.C.

1] Mr.Upadhye, learned counsel for the
applicant – appellant submits that notice
sent to the respondent no.3 is returned
unserved. He submits that the appeal
preferred by the appellant – Insurance
company raises challenge to the quantum of
compensation awarded by Tribunal and
therefore the appeal can be heard in absence
of respondent no.3. He seeks leave to delete
the name of the respondent no.3. Leave
granted to delete the name of respondent no.3
at the risk of applicant. Necessary deletion
be carried out forthwith.

2] Heard.

3] With the consent of the learned counsel for the applicant – appellant and the learned counsel for the respondent nos.1 and 2 – claimants, the application is taken up for hearing.

4] Mr.Upadhye, learned counsel for the applicant – appellant submits that delay caused in filing appeal was not deliberate but occurred due to the reasons set out in detail in the application. It is submitted that the applicant – appellant has good case to succeed in appeal. If delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reason.

5] On the other hand, learned counsel for the respondent nos.1 and 2 – claimants submits that the reasons assigned seeking condonation of delay are not sufficient to condone delay in filing appeal.

6] On due consideration of the submissions advanced in the light of

unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of the view that delay deserves to be condoned. If delay is condoned, no serious prejudice would be caused to the other-side as ultimately the matter would be decided on its own merits. On the other hand, if delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reasons. I am, therefore, inclined to allow the application. Accordingly, application is allowed in terms of prayer clause-A. Delay condoned. Appeal be registered.

7] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC