

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO.8287 OF 2018
IN FIRST APPEAL STAMP NO.16705 OF 2018

IFFCO TOKYO GENERAL INSURANCE CO. LTD.,
AURANGABAD
VERSUS
SUNANDA NAGORAO PHAWADE & OTHERS

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Advocate for Applicant : Ms.Sayali Tekale
h/f. Mr.S.G.Chapalgaonkar
Advocate for respondent nos.1 to 5 :
Mr.N.P.Patil Jamalpurkar
Advocate for respondent nos.9 and 10 :
Mr.Abhijit Chaudhari

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CORAM : V.L.ACHLIYA,J.
DATE : 07.02.2020

P.C.

1] The applicant has moved this application seeking condonation of 81 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant-appellant and advocate representing the respondent nos.1 to 5 and 9 and 10.

3] In brief, it is the contention of the applicant-appellant that delay caused in

filing appeal cannot be termed as deliberate and intentional. It is submitted that delay was caused as the matter was required to be processed for seeking approval from the authorities of the Insurance Company. After seeking opinion of the Advocate representing the applicant-appellant, appeal was processed and proposal was sent to the Regional Office. In the process, delay of 81 days has been caused in filing appeal.

4] On the other hand, learned counsel for the respondent nos.1 to 5 and 9 and 10 opposed the application with contention that delay caused in filing appeal cannot be termed as sufficient to condone the delay. It is submitted that the reasons assigned are false and concocted and cannot be treated as sufficient to condone delay.

5] 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 and delay of 81 days cannot be termed as inordinate, I am of the view that delay deserves to be condoned. If delay is condoned, no serious prejudice would

cause to the respondents as ultimately appeal will be decided on its own merit. The applicant-appellant has also deposited the amount in terms of the award. Therefore, I am inclined to allow application. Accordingly, the application is allowed in terms of prayer clause-B. Delay condoned.

6] Appeal be registered subject to removal of office objections.

7] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC