IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

944 CIVIL APPLICATION NO.7138 OF 2019
IN FAST/18210/2019

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THROUGH ITS AUTHORIZED SIGNATORY AURANGABAD
VERSUS
KASTURBAI DATTATRAYA KULKARNI AND OTHERS
...
Advocate for Applicant : Shri Chapalgaonkar S.G.
Advocate for Respondent no.1 : Shri Jagtap Amol T.
Advocate for Respondent no.4: Shri Bhadekar
Advocate for Respondent no.5 : Shri Kulkarni Sudhir V.
Respondent nos.2 to 4 served.

CORAM: V.L. ACHLIYA, J.

DATE: 10.01.2020

PER COURT :

1] The application is moved seeking condonation of 17 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant and respondent nos.1,4 & 5. Other respondents though served are absent.

3] In brief, it is the contention of learned counsel for the applicant that the delay caused in filing appeal cannot be termed as intentional or deliberate. He submits that considerable time was spent in securing clearance from the head office for filing appeal. He submits that the delay is only of 17 days. If delay is not

condoned, serious prejudice would be caused to the applicant – appellant. On the contrary, no prejudice would be cause to respondents if delay is condoned as ultimately the matter will be decided on its own merits.

4] Learned counsel for the respondent nos.1,4 & 5 opposed the application with contention that reasons assigned cannot be accepted as sufficient cause to condone the delay. It is submitted that the reasons assigned are false and concocted and made up to anyhow condone the delay.

5] On due consideration of the submissions advanced in the light of unchallenged and un-controverted pleadings made in the application and delay being of 17 days, which cannot be termed as inordinate, I am of the view that the delay be condoned. If delay is condoned, no prejudice would be caused to the respondents as ultimately the matter will be decided on its own merits. I am, therefore, inclined to allow the application.

6] Accordingly, the application is allowed in terms of prayer clause (B). Delay condoned. Appeal be registered.

(V.L. ACHLIYA, J.)