

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

913 CIVIL APPLICATION NO.8574 OF 2019
IN FAST/21001/2019
WITH CA/8575/2019
IN FAST/21001/2019

M/S SHRIRAM GENERAL INSURANCE CO.
LTD., THR ITS MANAGER
VERSUS
PANDURANG BALAJI PAWAR AND ANR

...
Mr.V.N.Upadhye, Advocate for applicant.

...
CORAM : V.L. ACHLIYA, J.
DATE : 23/01/2020

...

ORAL ORDER:

1. The applicant/appellant has preferred this application for condonation of 129 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for applicant. Respondent Nos. 1 and 2 though served, absent.

3. On due consideration of submissions advanced in the light of unchallenged, uncontroverted pleadings made in the application, I am of the view the delay

deserves to be condoned. No prejudice would be caused to respondents if delay is condoned as ultimately the case will be decided on merit. On the contrary, if delay is not condoned, serious prejudice would be caused to the applicant. Learned counsel for applicant submits that if amount is not already deposited, the same shall be deposited within four weeks. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered.

4. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP