

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

**BENCH AT AURANGABAD**

24 CIVIL APPLICATION NO.8800 OF 2019  
IN FAST/22136/2019

SHRIRAM GENERAL INSURANCE CO. LTD., THROUGH ITS BRANCH  
MANAGER, AURANGABAD  
VERSUS  
DIGAMBER SHANKAR PARTE AND ANOTHER

...

Advocate for Applicant : Miss.Sayali Tekale h/f Shri Chapalgaonkar  
S.G.

Respondent no.1: Shri G.G. Suryawanshi

Respondent no.2 served.

**CORAM: V.L. ACHLIYA, J.**

**DATE: 06.01.2020**

**PER COURT :**

1] The applicant - appellant has moved this application seeking condonation of 147 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant. Shri G.G. Suryawanshi Advocate appears for respondent no.1 and filed his Vakalatnama. Respondent no.2 though served is absent.

3] In brief, it is the contention of learned counsel for the applicant that the delay caused in filing appeal has occurred due to considerable time spent in processing the matter to secure necessary approval from the regional office at Pune and head office

at Jaipur. After receiving approval to file an appeal, steps were taken to arrange for payment of statutory deposit and Court fees. In the process, delay of 147 days is caused in filing appeal. It is submitted that the applicant – appellant has good case to succeed on merits. In case delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reason.

4] On the other hand, learned counsel for the respondent no.1 opposed the application with contention that the reasons assigned cannot be accepted as sufficient cause to condone the delay. It is submitted that the reasons assigned are false and concocted. It is further submitted that the procedural delay cannot be a ground to condone the delay.

5] On due consideration of the submissions advanced, I am of the view that the delay deserves to be condoned. It is quite settled position in law that while dealing with application seeking condonation of delay, the Court is expected to show some latitude in favour of Government, semi-Government and body corporate. In the facts and circumstances of the case, it cannot be ruled out that considerable time was spent in processing the matter. If delay is condoned, no prejudice would be caused to the other side as ultimately the case would be decided on merits. On the contrary, if delay is not condoned, there is every likelihood that a meritorious

matter may be rejected for technical reason. The prejudice, if any, caused to the respondents on account of delay can be compensated in terms of money. I am, therefore, inclined to allow the application.

6] Accordingly, the application is allowed and delay is condoned subject to payment of costs of Rs.3,000/- to be payable by the applicant to the respondent no.1. The amount of costs shall be paid within four weeks. The payment / deposit of costs shall be a condition precedent to register the appeal. In case, costs are deposited, the respondent no.1 is permitted to withdraw the same. The civil application is disposed of in above terms.

**(V.L. ACHLIYA, J.)**