

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO.11342 OF 2019
IN FA (STAMP) NO. 28338 OF 2019

HDFC ERGO GENERAL INSURANCE CO. LTD.
VERSUS
PRARTHANA ASHOKRAO DESHMUKH AND ORS.

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Mr.S.G. Chapalgaonkar, Advocate for
applicant.
Mr.S.P. Salgar, Advocate for respondent nos.1
to 4.

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CORAM: V.L. ACHLIYA,J.
DATE : 10.01.2020

ORAL ORDER:

The applicant-appellant moved this application for condonation of 44 days delay in filing the appeal for the reasons set out in detail in application.

2. Heard learned counsel for the applicant-appellant and learned counsel representing the respondent nos.1 to 4. Respondent no.5 though served 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 deliberate and intentional. It is submitted that after passing of award and

receipt of proposal, the proposal was processed at the level of branch office and forwarded to head office. In the process, there delay of 44 days caused in filing appeal. It is submitted that, if the delay is not condoned, there is every likelihood that the meritorious matter may be rejected for technical reason.

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

5. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application, I am of the view that the delay deserves to be condoned. In case the delay is condoned, no prejudice would cause to the respondents as ultimately the case will be decided on merit. I am therefore inclined to allow the application. Accordingly, the application is allowed in terms of prayer

clause "B". Delay condoned. Appeal be registered subject to removal of office objections if any.

6. The Civil Application is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE

SGA