

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

907 CIVIL APPLICATION NO.11292 OF 2019
IN FAST/28825/2019
WITH CA/11293/2019
IN FAST/28825/2019
WITH CA/1962/2020
IN FAST/28825/2019

THE NEW INDIA ASSURANCE CO. LTD.,
THR ITS AUTHORIZED SIGNATORY,
AURANGABAD
VERSUS
ASHOK VASUDEO NAIKWADE AND ORS

...
Mr.M.M.Ambhore, Advocate for applicant.
Mr.Girish Rane, Advocate for R-1.

...

CORAM : V.L. ACHLIYA, J.
DATE : 17/02/2020

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ORAL ORDER:

1. The applicant/appellant has preferred this application for condonation of 43 days delay in filing appeal for the reasons set out in detail in the application.
2. Heard learned counsel for applicant and respondent No. 1. Respondent Nos. 2 to 5 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 cause to respondents if delay is condoned as ultimately the case will be decided on merit. On the contrary, if delay is not condoned, there is every likelihood that serious prejudice would be caused to the applicant. I am of the view the delay deserves to be condoned. 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.

4. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP