

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO. 11795 OF 2019
IN FIRST APPEAL STAMP NO. 29006 OF 2019

DILIP VASANT BAWISKAR
VERSUS
BHAGWAN SHIVDAS JAGDEO & ANOTHER

...
Mr.Madhav M. Bhokarikar, Advocate for the
applicant.
Mr.S.B.Darwande, Advocate holding for
Mr.S.G.Chapalgaonkar, Advocate for the
respondent no.2.

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CORAM : V.L.ACHLIYA,J.
DATE : 03.02.2020

P.C.

1] The applicant has moved this
application seeking condonation of 92 days
delay in filing appeal for the reasons set
out in detail in the application.

2] Heard learned counsel for the
applicant and the respondent—Insurance
company.

3] In brief, it is the contention of
the learned counsel for the applicant that
delay caused for filing appeal cannot be

termed as deliberate and intentional. It is submitted that due to serious injuries sustained in the accident, the applicant could not take steps to prefer appeal within time. In the process, delay of 92 days has been caused in filing appeal. It is submitted that the applicant-appellant has good case to succeed in appeal.

4] On the other hand, learned counsel for the respondent-Insurance Company opposed application with contention that the reasons assigned are not sufficient to condone delay.

5] On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay and consequences to follow if delay is not condoned, I am of the view that delay deserves to be condoned. Accordingly, application is allowed in terms of prayer clause-b. Delay condoned.

6] Appeal be registered subject to removal of office objection.

7] Civil Application is disposed of in
above terms.

[V.L.ACHLIYA]
JUDGE

DDC