

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

**9 CIVIL APPLICATION NO.12094 OF 2019
IN
FAST/30053/2019**

**THE NEW INDIA ASSURANCE CO. LTD.,
THR ITS AUTHORIZED SIGNATORY,
AURANGABAD
VERSUS
ANITA BHAGWAN RATHOD AND ORS**

...
Mr.S.S.Dargad h/f Mr. M.R.Deshmukh,
Advocate for applicant.
Mr.Akash Gade h/f Mr. S.J.Salunke,
Advocate for R-1 to 3.
Mr.Ashish Deshmukh h/f Mr. S.S.Deshmukh,
Advocate for R-4.

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CORAM : V.L. ACHLIYA,J.
DATE : 24/02/2020
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ORAL ORDER:

1. The applicant/appellant has preferred this application for condonation of 46 days delay in filing appeal for the reasons set out in detail in the application.
2. Heard learned counsel for applicant and respondent Nos. 1 to 4. Respondent No. 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, serious prejudice would cause to the applicant. 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