

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

**937 CIVIL APPLICATION NO.13098 OF 2019
IN FAST/31473/2019**

**ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.,
THR ITS AUTHORIZED OFFICER
VERSUS
SEEMA GANESH GAIKWAD AND ORS**

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Mr.A.A. Puranik h/f Mr.A.S. Deshpande,
Advocate for the applicant.
Mr.H.P. Bondar h/f Mr.N.L. Choudhari,
Advocate for respondent no.5.

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**CORAM: V.L. ACHLIYA, J.
DATE : 21.02.2020**

ORAL ORDER:

The applicant has moved this application seeking condonation of 560 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant and learned counsel representing respondent no.5. The respondent nos.1 to 4 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. The

delay was occurred on account of considerable time spent for seeking approval from the head office at Chennai to file appeal.

3. On the other hand, the learned counsel for the respondent no.5 opposed the application with contention that the reasons assigned cannot be termed as sufficient to condone the delay. It is submitted that the reasons are false and concocted.

4. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of the view, the delay deserves to be condoned. If the delay is condoned no prejudice would cause to other side. If delay is not condoned, there is every likelihood that the meritorious matter may be rejected for technical reason. I am therefore inclined to allow the application subject to costs of Rs.5,000/- to be deposited by the applicant within four weeks. Accordingly, the application is allowed in terms of prayer clause "B", subject to deposit of costs of Rs.5,000/- within four weeks from today. On deposit of costs, the

appeal be registered. Costs amount deposited be credited to the High Court Legal Services Sub-Committee, Aurangabad.

5. Office objections, if any, be removed within two weeks from the date of registration of appeal.

6. Civil Application is disposed in above terms.

[V.L. ACHLIYA]
JUDGE

SGA