

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

956 CIVIL APPLICATION NO.13555 OF 2019  
IN FIRST APPEAL STAMP NO.31699 OF 2019

THE NEW INDIA ASSURANCE CO. LTD., AURANGABAD  
VERSUS  
PRAFULLAKUMAR RAJIV SALVE & ANOTHER

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Advocate for Applicant : Mr.A.S.Usmanpurkar  
Advocate for respondent nos.1 and 2 :  
Mr.Umakant Wagh

...

CORAM : V.L.ACHLIYA,J.  
DATE : 07.02.2020

**P.C.**

1] The applicant has moved this application seeking condonation of 181 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant. Advocate Mr.Umakant Wagh appears and submits that he has received instructions to appear on behalf of respondents and undertakes to file *Vakalatnama* within two weeks from today.

3] In brief, it is the contention of the learned counsel for the applicant-appellant that delay caused in filing appeal cannot be termed as deliberate and intentional. It is submitted that delay was caused as the matter was required to be processed for seeking approval from the authorities of the Insurance Company. After seeking opinion of the Advocate representing the applicant-appellant, appeal was processed and proposal was sent to the Regional Office. In the process, delay of 181 days has been caused in filing appeal. The applicant-appellant has good case to succeed on merit. If delay is not condoned, serious prejudice would cause to the applicant-appellant.

4] On the other hand, learned counsel for the respondents opposed application with contention that the reasons assigned are false and concocted and cannot be accepted as sufficient cause to condone the 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, 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 objections.

7] Civil Application is disposed of in above terms.

**[V.L.ACHLIYA]**  
**JUDGE**

DDC