

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO.13553 OF 2019
IN FIRST APPEAL STAMP NO.33953 OF 2019

BRANCH OFFICER, THE NEW INDIA INSURANCE CO.
LTD., AHMEDNAGAR

VERSUS

SANJAY TUKARAM KANWADE & ANOTHER

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Advocate for Applicant : Mr.A.S.Usmanpurkar
Advocate for the respondent no.1 : Mr.Shaikh
Majit Sardar.

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CORAM : V.L.ACHLIYA,J.

DATE : 07.02.2020

P.C.

1] The applicant has moved this application seeking condonation of 48 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant and advocate representing the respondent no.1. The respondent no.2 though served absent.

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