

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 13601 OF 2019
IN FIRST APPEAL STAMP NO. 34983 OF 2019

NEW INDIA ASSURANCE CO. LTD., THROUGH ITS
DIVISIONAL MANAGER, AURANGABAD
VERSUS
SAMBHAJI NATHA GHUMARE & OTHERS

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Advocate for Applicant : Mr.S.B.Darwande h/f.
Mr.S.G.Chapalgaonkar

Advocate for Respondent nos.1 and 2 : Mr.Amol
Gandhi

Advocate for Respondent no.3 : Mr.S.B.Kadu

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CORAM : V.L.ACHLIYA,J.
DATE : 16.01.2020

P.C.

1] The applicant has moved this application seeking condonation of 115 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 nos.1 to 3. Advocate Mr.Amol Gandhi undertakes to file *Vakalatnama* for respondent nos.1 and 2 within one week from today.

3] In brief, it is the contention of the learned counsel for the applicant-

appellant that delay caused in filing appeal was occurred mainly due to time spent in securing permission from the head office to file appeal. After seeking permission from the regional office and arranging money for court fees, Appeal has been filed. In the process, there was 115 days delay in filing appeal. It is submitted that the applicant has good case to succeed in appeal. If delay is not condoned, serious prejudice would cause to the applicant-appellant. It is submitted that the applicant-appellant has also deposited the amount as per the interim order passed by this Court in the matter.

4] On the other hand, learned counsel for the respondents opposed the application with contention that the reasons assigned for condonation of delay are false and concocted and cannot be accepted as sufficient cause 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, I am of the view that delay deserves to be condoned. Delay caused

in filing appeal has been properly explained. So also delay cannot be termed as inordinate. Considering broad principles laid down in the matter of condonation of delay, I am of the view that the application deserves to be allowed. 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