

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

17 CIVIL APPLICATION NO.14768 OF 2018
IN
FAST/37189/2018

CHOLAMANDALAM GENERAL INSURANCE
CO.LTD. THR. ITS AUTHORIZED
SIGNATORY, AURANGABAD.
VERSUS
GAJANAN PRAHLAD JADHAV AND ORS

...
Mr.S.S.Dargad h/f Mr. S.G.Chapalgaonkar,
Advocate for applicant.
Mr.S.V.Suryawanshi, Advocate for R-1 to 3.
Mr.F.K.Patel h/f Mr. A.G.Wasmatkar,
Advocate for R-5.
Mr. M.M.Ambhore, Advocate for R-6.

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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 323 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 3, 5 and 6. Respondent Nos. 7 and 9 though served, absent. Respondent No. 8 reported to be dead. In

that view, service is completed.

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 within two weeks.

4. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP