

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO.13989 OF 2019
IN FAST/36670/2019

IFFCO TOKYO GENERAL INSURANCE CO. LTD., THR
ITS AUTHORIZED SIGNATORY, AURANGABAD
VERSUS
ANIL BADRINARAYAN RATHI AND ANR

...
Mr.S.S. Dargad h/f Mr.S.G. Chapalgaonkar,
Advocate for the applicant.

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

ORAL ORDER:

The applicant has moved this application seeking condonation of 92 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant. Respondent no.1 though served absent. Notice in respect of respondent no.2 reported to be served upon the father of respondent no.2, which according to the learned counsel good service within the meaning of Order 5 Rule XV of Code of Civil Procedure.

3. On due consideration of submissions

advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay and delay being only 92 days, 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, it is every likelihood that the meritorious matter may be rejected for technical reason. I am therefore inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause "B". Delay condoned.

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

5. Civil Application is disposed in above terms.

[V.L. ACHLIYA]
JUDGE

SGA