

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO.14562 OF 2019
IN FAST/38622/2019

UNITED INDIA INSURANCE CO. LTD., THROUGH ITS ADMINISTRATIVE OFFICER,
AURANGABAD
VERSUS
DULANBEE SHAIKH HABIB AND OTHERS

...

Advocate for Applicant : Shri Bagal Suraj R.

Advocate for Respondent nos.1 to 3 : Shri S.S. Dargad

Advocate for Respondent no.4 : Dr.Tawshikar Swapnil D.

CORAM: V.L. ACHLIYA, J.

DATE: 06.03.2020

PER COURT :

1] The applicant has moved this application seeking condonation of 97 days delay in filing appeal for the reasons as set out in detail in the application.

2] Heard learned counsel for the applicant and the respondent nos.1 to 4.

3] In brief, it is the contention of learned counsel for the applicant that the cause assigned for condonation of delay cannot be termed as deliberate and intentional. It is submitted that the delay was caused mainly due to the reason that the Advocate representing the appellant has taken more than one month's time to make available his opinion in the matter. After receipt of the proposal with the opinion, the matter was forwarded to regional office at Nagpur. Thereafter the proposal was forwarded to divisional office at Aurangabad. In the process, delay of 97 days

has been caused in filing appeal. It is submitted that the appellant has good case to succeed on merits. In case delay is not condoned, there is every likelihood that serious prejudice would be caused to the appellant.

4] On the other hand, learned counsel for the respondent nos.1 to 4 opposed the application with contention that the reasons assigned are false and concocted and cannot be accepted as sufficient 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 the cause for condonation of delay, I am of the view that the delay deserves to be condoned. No prejudice would be caused to the respondents if delay is condoned as the matter will be decided on its own merits.

6] Accordingly, the application is allowed. Delay is condoned. Appeal be registered. Office objections, if any, be removed within two weeks from the date of registration of appeal.

(V.L. ACHLIYA, J.)