

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 862 OF 2017
IN
FIRST APPEAL (ST) NO. 22424 OF 2016

(The Oriental Insurance Company Limited through Regional Manager Vs. Sou.
Shalini Kisanrao Borkar and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.M.Quazi, learned counsel for the appellant.
Shri M.R.Joharapurkar, learned counsel for the
respondent nos. 1 and 2.

CORAM : ANIL S KILOR, J.
DATE : 24th JANUARY, 2020.

Shri A.M.Quazi, learned counsel for the
appellant Insurance Company points out that vide
pursis dated 23rd July, 2017, the decretal amount was
deposited in the lower Court amounting to
Rs.9,75,509/-.

2. He submits that in the application for
delay he has explained the delay caused in filing the
present appeal. There is a delay of 526 days in filing
the appeal. He has drawn the attention of this court
to the reasons stated in para 3 of the application
which read thus :

*“ It is submitted that after receipt of the
said Award legal opinion was given by*

the said counsel to the Insurance Co., Office at Amravati that the appeal may be preferred against the said order. It is further submitted that the said Divisional Office processed the matter at their end and sent the relevant case documents to the office at Nagpur for consideration. It is submitted that after receipt of the case papers by office Nagpur legal opinion was sought from the local counsel at Nagpur in regard to filing of the said appeal. It is submitted that the cheque dated 15.07.2015 and the letter dated 10.06.2015 were sent to the counsel for the Appellant for perusal when it came to the notice of the Counsel that record of the Appeal was not sent and the said Appeal was entrusted to the present counsel for filing the Appeal before this Hon'ble Court. Hence the present counsel made request to the office of the Appellant Insurance Company to send the entire record and the office of the Appellant Insurance Company sent the same to the present Counsel in the last week of December, 2015. It is further submitted that the Appeal was prepared and cheque which was issued earlier, having lapsed during this period of communication gap, request was made to the office of the Appellant Insurance Company to issue a fresh cheque for the mandatory amount to be deposited before this Hon'ble Court. That the said cheque being received the appeal is being

filed immediately without any further delay.”

3. Shri M.R.Joharapurkar, learned counsel for the respondent nos 1 and 2 strongly opposed the application and prayed for rejection of the application.

4. Since the applicant has given sufficient explanation for causing delay of 526 days in filing the appeal, I am of the considered view that the present application needs to be allowed.

5. Accordingly, the present application is allowed. The delay caused in filing the appeal is condoned. Civil application is disposed of.

6. Office is directed to register the first appeal and place the same before the Court in regular course.

JUDGE