

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

CIVIL APPLICATION NO. 1789 OF 2017
IN
FIRST APPEAL ST.NO.1021 OF 2017

The New India Assurance Co.Ltd.,
through its Authorized Official and
Divisional Manager, Legal Hub,
Aurangabad

..Applicant

Versus

Pritam s/o Bharat Rathod and ors.

..Respondents

Mr A.S. Usmanpurkar, Advocate for applicants
Mr C.V. Bodkhe, Advocate h/f Mr R.V. Gore, Advocate for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd January 2021

PER COURT :

1. It is an application for condonation of delay moved by the applicant/Insurance Company by taking aid of Section 5 of the Limitation Act, 1963.
2. Heard Mr. A.S. Usmanpurkar, learned Advocate for applicant and Mr Bodkhe, learned Advocate holding for Mr R.V. Gore, learned Counsel for respondent no.1. Respondents no.2 and 3 though served, none appeared for respondents no.2 and 3 when called out.
3. Mr. Bodkhe, learned Advocate appearing for respondent no.1 strenuously objected to condone the delay. According to him, the reasons assigned for condonation of delay are not sufficient. The application needs to be thrown away.
4. The applicant/Insurance Company intends to prefer appeal and there seems to be delay of 105 days in preferring the first appeal.

5. Having regard to the reasons assigned in the application for condonation of delay, it is necessary to condone the delay in the interest of justice and in order to decide the appeal on merits,

4. The delay stands condoned. The application for condonation of delay is hereby allowed.

5. The Registry is directed to register the appeal after due scrutiny as per procedure and thereafter it be placed before the Court for admission after service of notice to all the concerned.

6. Mr. Bodkhe, learned Advocate holding for Mr. Gore waives notice for respondent no.1 in the appeal. Hence, notice to respondent no.1 is dispensed with.

(SHRIKANT D. KULKARNI, J.)

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