

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

**904 CIVIL APPLICATION NO.3569 OF 2019
IN FAST/7327/2019 WITH CA/3570/2019 IN FAST/7327/2019**

**UNITED INDIA INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD
VERSUS
LAXMI UDHAV LATPATE AND ORS**

Shri. S. G. Chapalgaonkar, Advocate for the applicant
Shri. M. P. Kale, Advocate for respondent Nos. 1 to 5
Shri. B. A. Shinde, Advocate for respondent No. 6.

CORAM : M. G. SEWLIKAR, J.

DATED : 09-02-2021

P.C. :-

. Heard learned counsel Shri. Chapalgaonkar for the applicant, learned counsel Shri. Kale for respondent Nos. 1 to 5 and learned counsel Shri. Shinde for respondent No. 6.

2. Delay of 56 days is committed in preferring the appeal. The Insurance Company has deposited the entire amount of compensation and the claimants also have withdrawn the amount to the tune of Rs. 58,00,000/-. It appears that the delay was committed due to the procedural formalities. The applicant has made out a sufficient cause for condonation of delay. Learned counsel Shri. Kale and Shri. Shinde object to the condonation of delay on the ground that no sufficient cause is made out.

3. In the case of **Improvement Trust, Ludhiana Vs. Ujagar Singh and Others, (2010) 6 SCC 786**, it has been held thus:

"It is pertinent to point out that unless mala fides are writ large on the conduct of the party, generally as a normal rule, delay should be condoned. In the legal arena, an attempt should always be made to allow the matter to be contested on merits rather than to throw it out on such technicalities."

4. Nothing has been brought on record to show that any right is accrued to the respondent because of the delay.

5. In view of this delay is condoned. Appeal be registered if it is fit for registration.

[M. G. SEWLIKAR, J.]

ssp