

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.4306 OF 2015
IN
FIRST APPEAL (ST.) NO. 34243 OF 2014**

The New India Assurance Co. Ltd. Applicant

Vs.

Mr. Mohasiin Ali Baig Mirza & Anr. Respondents
through LRs Mr.. Yusuf Ali Baig
& Ors.

Mr. Devendranath Joshi for Applicant.
None for Respondent.

**Coram : MADHAV J. JAMDAR, J.
Date : 22ND DECEMBER, 2021**

P.C.:

1. Heard Mr. Joshi, learned counsel appearing for the Applicant.
2. The application is for condonation of delay of 101 days in filing appeal. Although the Civil Application stands abated against Respondent No. 1 as per the office noting, Respondent Nos. 2(1) to

2(4) are on record in their capacity as legal heirs and representatives of Respondent No. 2. Mr. Joshi states that Respondent Nos. 2(1) to 2(4) are also heirs of deceased Respondent No.1. Therefore Civil Application is taken for hearing.

3. Although Respondent Nos. 2(1) to 2(4) are served, affidavit-in-reply is not filed to controvert the contentions raised in the Civil Application, none appears for the Respondents.

4. In paragraph 4, the reasons for delay of 101 days are set out. The reasons show that some time was taken for taking decision to file appeal and after the papers are perused by various authorities, decision was taken to file appeal.

5. As sufficient reasons are set out, the Civil Application is allowed in terms of prayer clause (a).

(MADHAV J. JAMDAR, J.)