

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

**INTERIM APPLICATION NO. 570 OF 2021 (FOR DELAY)
AND
INTERIM APPLICATION NO. 571 OF 2021 (FOR STAY)
AND
INTERIM APPLICATION (STAMP) NO. 18078 OF 2021
IN
FIRST APPEAL (STAMP) NO. 97731 OF 2020**

Divisional Manager,

The New India Assurance Co.Ltd.

...Applicant

vs.

Sunita Ganesh Kadam & Ors.

...Respondents

Mr.Milind More with Mr.H.B. Takke for Applicant/Appellant.

Mr.Yogesh Pande with Mr.C.M. Lokesh for Respondent Nos.1 to 4.

CORAM : BHARATI DANGRE, J.

DATED : 27 SEPTEMBER 2021

P.C. :

INTERIM APPLICATION NO. 570 OF 2021

1 By this application, the New India Assurance Company Ltd. seek condonation of delay of 251 days in filing the first appeal, posing the challenge to the judgment and award dated 23 September 2019.

2 Heard learned Counsel for the Applicant and Respondent Nos.1 to 4.

It is informed that Respondent No.5 has already expired, whereas Respondent No.6 already stand deleted on account of death.

3 Perused the application which has set out the reasons for the delay in bringing the first appeal and largely, it can be said that the delay is

attributed to lockdown situation on account of the pandemic which has grappled the whole globe. The delay is satisfactorily explained in Paragraphs 3 to 6 of the application. I am convinced that the explanation is *bona fide* and reasons do exist for condoning the delay. The delay of 251 days stand condoned. Interim Application No.570/2021 is allowed in terms of prayer clause (a) and is disposed of as such.

INTERIM APPLICATION NO. 571 OF 2021

4 By the said application, stay of the impugned judgment is sought by the Appellant and this court by order dated 18 August 2021 has directed the Appellant to deposit the entire amount awarded by the Tribunal along with interest in this court. The said order is complied with and there is a stay operating in favour of the Appellant.

INTERIM APPLICATION (STAMP) NO. 18078 OF 2021

5 The claimant has taken out an application for withdrawal of the amount, which is listed for hearing today.

6 Learned Counsel for the Applicant seeks some time to proceed with the said application. It is made clear that the parties shall also be ready with hearing of the first appeal itself.

7 Since Respondent No.5 has expired, necessary steps shall also be taken to bring the legal heirs on record before the final adjudication of the matter.

8 S.O. to 7 October 2021.

(SMT. BHARATI DANGRE, J.)