

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

**CIVIL APPLICATION NO.1718 OF 2016
IN
FIRST APPEAL (STAMP) NO.20072 OF 2015**

Bajaj Allianz General Insurance Co. Ltd. ... Applicant
V/s.
Mrs.Isabel Pirse & Ors. ... Respondents

Mr.Hrishikesh S. Shinde i/b M.M.Sathaye for the Applicant.

Ms.Poonam Mital h/f T.J.Mendon for Respondent Nos.1 to 3.

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CORAM: MADHAV J. JAMDAR, J.

DATE : 18TH SEPTEMBER, 2021

P.C:-

1. Heard Mr.Hrishikesh Shinde instructed by M.M.Sathaye, learned Counsel for the Applicant; and Ms.Poonam Mital holding for T.J.Mendon, learned Counsel for Respondent Nos.1 to 3.
2. Civil Application is filed for condonation of delay of 380 days in filing First Appeal. Mr.Hrishikesh Shinde, learned Counsel states that all Respondents are duly served.
3. The reasons for delay are set out in paragraphs 8 and 9 of the Civil Application. The reasons indicate that efforts were made to settle the matter but settlement could not be arrived at. Thereafter the Applicant – Insurance Company took opinion of the Advocate and thereafter decision to file an Appeal was taken, hence there is delay of 380 days in filing First Appeal.

4. Ms.Poonam Mital, learned Counsel appearing for the Respondent Nos.1 to 3 submits that there are no sufficient reasons set out for delay in filing First Appeal and that delay is inordinate.

5. There is no reply filed to the Civil Application. Elaborate reasons are set out in paragraphs 8 and 9 of the Civil Application. The reasons indicate that initially efforts were made to settle, however, settlement could not be arrived at and therefore after obtaining opinion of the Advocate the Applicant proceeded to file Appeal challenging the impugned Award. As there is no reply filed the averments in the Civil Application have remained uncontroverted.

6. For the reasons set out in the Civil Application, the same is allowed in terms of prayer clause (a).

7. Civil Application is disposed of.

[MADHAV J. JAMDAR, J.]