

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4107 OF 2015

IN

FIRST APPEAL (ST) No. 31396 OF 2014

The New India Assurance Co. Ltd. ...Applicant/
Appellant

Vs.

Mrs. Savita Navnath Sanap and Ors. ...Respondents

Ms. Pooja Yadav i/b. D.R. Mahadik for Applicant-Appellant

Mr. Avanti Inamdar i/b. Rameshwar Gite for Respondents

CORAM : MADHAV J. JAMDAR, JJ.

DATE : SEPTEMBER 18, 2021

PC. :

1. Heard Ms. Pooja Yadav instructed by Mr. D.R. Mahadik, learned Advocate for the Applicant and Ms. Avanti Inamdar instructed by Mr. Rameshwar Gite, learned Advocate for Respondents.

2. This civil application is taken out for condonation of delay of 114 days.

3. Advocate Ms. Pooja Yadav submitted that the impugned judgment and award in the First Appeal was passed on 4th April, 2014 and immediately application for certified copy was filed on 9th April, 2014 and the same was ready on 9th April, 2014. Thereafter, the learned Advocate, who has appeared in the matter, has recommended filing of appeal on 15th May, 2014. Thereafter,

the papers and proceedings were sent to the panel Advocate for seeking opinion as to feasibility of filing of appeal and the said opinion was given on 11th June, 2014. The competent authority approved the said proposal in July, 2014 and, thereafter, papers were sent from Nashik Division to the Mumbai Regional Office. Thereafter, steps were taken and, therefore, there is a delay of 114 days.

4. The Respondents are duly served. However, no reply is filed. Advocate Ms. Avanti Inamdar, however, opposed the application on the ground that considerable time was taken by the department in taking decision and, therefore, she submitted that the civil application be dismissed.

5. However, perusal of the application, particularly; paragraph No.2 of the application shows that sufficient reasons are set out. In fact, scrutinizing the facts of the case for ascertaining feasibility of filing of appeal at different stages by the legal officers and the insurance company is desirable so that appeals without substance are not filed. Thus the delay is sufficiently explained.

6. Therefore, the Civil Application is allowed and disposed of in terms of prayer clause (a). No order as to costs.

(MADHAV J. JAMDAR, J.)