

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

934 CIVIL APPLICATION NO.2606 OF 2018
IN FAST/2761/2018

THE DIV. MANAGER, TATA A.I.G. INSURANCE CO. LTD., AURANGABAD
VERSUS
ISHIKA D/O RAVINDRA WAKDE AND ORS

...

Advocate for Applicant :Mr. Dargad h/for Mr. Chapalgaonkar S.G.
AGP for Respondents:
Advocate for Respondent Nos. 1 & 2: Mr. L. H. Kawale h/for Mr. M.S.
Taur

CORAM : Y. G. KHOBRAGADE, J.
DATE : 15TH NOVEMBER, 2022

ORDER:

1. Heard learned counsel appearing for the applicant and learned counsel for the respondent Nos. 1 and 2.
2. The applicant- Insurance company has filed the present application and prayed for condonation of delay of 35 days caused in filing appeal on ground that applicant-Insurance company appointed an Advocate, however, there was some delay while seeking approval of of the competent authority for filing appeal, which is bonafide and substantial.
3. Learned counsel appearing for the respondents vehemently submitted that the applicant Insurance company failed to give bonafide

and substantial reasons and the administrative exigency cannot be a good and sound reason. Hence prayed for rejection of the application.

4. It is submitted that the applicant Insurance company obtained certified copy of the judgment and award dated 2nd August, 2017 and required to get necessary approval for filing appeal, for which necessary correspondence was made with the competent authority of the applicant, due to which delay of 35 days is caused which appears to be bonafide and substantial. Therefore, I am inclined to grant the present application and proceed to pass the following order:-

O R D E R

- i. Civil application is hereby allowed
- ii. The delay of 35 days caused in filing appeal is hereby condoned.
No order as to costs..
- iii. Office to register the first appeal and place before the court for further action.

(Y. G. KHOBRAGADE, J.)

JPChavan