

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

928 CIVIL APPLICATION NO.3382/2016
IN FAST/8336/2016

THE NEW INDIA ASSURANCE CO.LTD.,
VERSUS
SWATI SUBHASH FISKE AND ORS.

Mr M.M. Ambhore, Advocate for applicant
Mr P.S. Dighe, Advocate for respondents no.1 to 3 and 5

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 24th February, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicant/Insurance Company.
2. Heard Mr Ambhore, learned Advocate for applicant and Mr Dighe, learned Advocate for respondents no.1 to 3 and 5.
3. Mr Dighe, learned Advocate for contesting respondents strongly opposed to condone the delay. He submitted that the applicant came to know about the decision of the tribunal. Even then, the applicant has not taken any steps to prefer any appeal. No cogent reasons are assigned for condonation of delay. He, therefore, urged to reject the application.
4. Mr Ambhore, learned Advocate for applicant submitted that there is delay of 97 days in preferring the appeal. The delay was not intentional. Due to procedural aspects, the appeal could not be filed within time. He, therefore, urged to condone the delay.

5. I have considered the submissions made by learned Advocates for both the sides. There seems to be delay of 97 days in preferring the appeal. Having regard to the grounds raised in the appeal memo and in view of reasons stated in the application in paragraphs no.11 to 14, it is necessary to condone the delay.

ORDER

- (i) The Civil Application is allowed in terms of prayer clause (B).
- (ii) The Registry is directed to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.
- (iii) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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