

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

**CIVIL APPLICATION NO. 6612 OF 2019
IN
FIRST APPEAL STAMP NO. 15233 OF 2019**

New India Assurance Company Ltd. ... Applicant
Versus
Malanbai Tukaram Chavan and others ... Respondents

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Mr. S. S. Rathi, Advocate h/f Mr. S. G. Chapalgaonkar, Advocate
for applicant

Mr. Shoyab Shaikh, Advocate for respondent No.1

Mr. S. M. Ganachari, Advocate for respondent No.3

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CORAM : Y. G. KHOBRAGADE, J.

DATED : 17th NOVEMBER, 2022

PER COURT :-

. Heard learned counsel appearing for the applicant – Insurance Company and the learned counsel appearing for respondent Nos. 1 and 3, at length.

2. The learned counsel appearing for the applicant – Insurance Company submitted that on 29.10.2018, the learned Member, M.A.C.T. Ambajogai, District Beed has passed judgment and award in M.A.C.P. No.137 of 2011 and the certified copy of the same was received by the applicant on 28.11.2018. Thereafter, the proposal was referred to the higher authority for obtaining

legal advice for filing of appeal. Therefore, delay of 78 days caused in lodging of the appeal, which is *bona-fide* and not intentional.

3. Per contra, the learned counsel appearing for non-applicant Nos.1 and 3 submitted that the delay which has been caused for obtaining legal opinion may not be the substantial ground to condone delay.

4. The present applicant prayed for condonation of delay of 78 days caused in filing appeal against the judgment and award dated 29.10.2018 mainly on the ground that after obtaining certified copy of the judgment and award, it was referred to the higher authority at Nagpur for obtaining legal opinion and there is some delay while obtaining legal opinion. Hence, delay of 78 days caused, which appears to be just and proper and self explanatory. Therefore, I am inclined to condone the said delay and proceed to pass following order.

5. The civil application is hereby allowed. Delay of 78 days caused in filing the first appeal is hereby condoned. No order as to costs.

6. Office to register the appeal and place before the Court for further action.

[Y. G. KHOBRADE, J.]

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