

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

CIVIL APPLICATION NO.8335 OF 2020 IN FAST/22884/2020

HDFC ERGO GENERAL INSURANCE CO. LTD., THROUGH ITS
BRANCH MANAGER, AURANGABAD
VERSUS
VIJAYA SUBHASH SARUK AND OTHERS

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Mr. S.S. Dargad, Advocate h/f Mr. S.G. Chapalgaonkar, Advocate
for the Applicant
Mr. P.D. Dadpe, Advocate for Respondent nos. 1 to 6.
Mr. R.D. Gaikwad, Advocate h/f Mr. S.G. Kawade, Advocate for
Respondent No.7

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CORAM : SHRIKANT D. KULKARNI, J.
DATE : 21st FEBRUARY, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the appellant / insurance company.
2. Heard Mr. Dargad holding for Mr. S.G. Chapalgaonkar, learned counsel for the appellant / insurance company, Mr. P.D. Dape, learned counsel for respondent nos. 1 to 6 and Mr. Gaikwad holding for Mr. S.G. Kawade, learned counsel for respondent no. 7.
3. There seems to be delay of 165 days in preferring the appeal. Mr. Dargad, learned counsel for the appellant / insurance company urged to condone the delay in view of sufficient reasons

assigned by the appellant in the application for condonation of delay in para nos. 3 to 6.

4. Mr. Dadpe, learned counsel for the original claimants and Mr. Gaikwad holding for Mr. S.G. Kawade, learned counsel for respondent no.6 strongly opposed to allow this application. Both of them submitted that no sufficient reasons are assigned for condonation of delay.

5. For the reasons stated in the application for condonation of delay, more particularly in para nos. 3 to 6 and looking to the nature of dispute, it is necessary to condone the delay in the interest of justice.

ORDER

(i) The application for condonation of delay is hereby allowed in terms of prayer clause (B).

(ii) Registry to make scrutiny of the appeal and register the same as per due procedure, and thereafter, it be placed before the Court for admission.

(iii) Call R & P from the concerned Commissioner.

(iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE