

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Interim Application No.648 of 2020
In
First Appeal (st) No. 1053 of 2020

Life Insurance Corporation of India	...	Applicant
V/s.		
Ram Ganpat Khataokar & ors.	...	Respondents

Mr. Roop Basu i/b the Law Point for the applicant.
Mr. M.J. Sharma for Respondent No.1.

CORAM : SHRIKANT D. KULKARNI,J.

20th July 2022

P.C.

This is an application for condonation of delay moved by the applicant.

2. Heard Mr.Basu i/b. The Law Point, learned Counsel for the applicant and Mr. Sharma, learned Counsel for Respondent No.1. Respondent Nos. 2 to 4 though duly served remained absent. It is revealed during course of arguments that Respondent Nos.2 to 5 were not contesting parties before the Trial Court. Main contesting party

was respondent No.1. Learned Counsel for the applicant submitted that due to misconception regarding the period of limitation for filing the appeal, the delay was occurred. It was not intentional delay. He, therefore, urged to condone the delay.

3. Mr. Sharma, learned Counsel for respondent No.1 strongly opposed to condone the delay. He invited my attention to the reply affidavit filed by respondent No.1 thereby opposing to condone the delay.

4. As per office remark there is delay of 82 days. Having regard to the reasons stated in the application for condonation of delay, more particularly in Paragraph Nos.7 to 10 and in the interest of justice, it is necessary to allow this application.

ORDER

- i) Application is hereby allowed in terms of prayer clause 12(a).
- ii) The Registry is directed to make scrutiny of matter as per procedure and thereafter it be numbered and place it before appropriate Court.

iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J)

L.S. Panjwani, P.S.