

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1823 OF 2021
IN
FIRST APPEAL (ST) NO. 14054 OF 2021

The New India Assurance Company Limited ...Applicant

Vs.

Kunal Mohan Mhatre and Anr. ...Respondents

.....

Ms. S. S. Dwivedi, for the Applicant.

None for the Respondents.

.....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15 JULY, 2022

P.C.

. It is an application for condonation of delay moved by the Applicant by taking aid of Section 5 of the Limitation Act, 1963.

2. Heard Ms. Dwivedi, learned counsel for the Applicant / Appellant. Respondent Nos.1 and 2 though duly served, remained absent, when the matter is called out.

3. On perusing the record, it is revealed that there is delay of 1 year and 427 days in preferring the appeal. For the reasons stated

in the application and in order to decide the appeal on its own merits, the application needs to be allowed however, subject to payment of cost which would meet the ends of justice.

ORDER

(i) The application for condonation of delay is hereby allowed in terms of prayer clause 4(a), subject to payment of cost of Rs.5,000/- to the High Court Legal Services Committee at Mumbai, within one month from today.

(ii) In case of failure on the part of Applicant, the application shall stand dismissed without making back reference to this Court.

(iii) If the cost is deposited within time, the Registry is directed to make scrutiny of the appeal as per procedure and thereafter, it be numbered and placed before the concerned Court for admission.

(iv) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)