

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

**CIVIL APPLICATION NO. 3896 OF 2018
IN
FIRST APPEAL (ST) NO. 17951 OF 2018**

The New India Assurance Company Ltd. ...Applicant

Vs.

Shri. Ramji Bhuighar Saroj & Ors. ...Respondents

.....

None for the Applicant.

None for the Respondents.

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15 JULY, 2022

P.C.

. The learned counsel for the Applicant / Appellant remained absent, when the matter is called out.

2. By looking to the old nature of dispute and in the interest of justice, I thought it just and proper to dispose of this application on its own merits. On going through the record, it is revealed that Respondent Nos.1 and 2 are duly served and Mr. Yogendra M. Pendse, learned Advocate has filed vakalatnama on behalf of Respondent Nos.1 and 2. However, he remained

absent, when the matter is called out. Respondent No.3 has been served by way of paper publication but Respondent No.3 remained absent inspite of proper service of notice.

3. There seems to be delay of 337 days in preferring the Appeal. Having regard to the nature of dispute and in order to decide the appeal on its own merits, it is necessary to condone the delay 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 (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.)