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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.20338 OF 2022
IN
FIRST APPEAL (ST.) NO.26725 OF 2022

United India Assurance Co. Ltd.

...Applicant /
Appellant

Versus

Smt. Ratnabai Suresh Rathod & Ors.

...Respondents

Mr. Nikhil Mehta, i/b. KMC Legal Venture, for the Applicant /
Appellant.

CORAM : R.I. CHAGLA J

DATE : 1ST DECEMBER, 2022

ORDER :

1. Not on board. Taken on board.
2. By this Interim Application, the Applicant is seeking condonation of delay of 42 days in filing the First Appeal.
3. The Applicant has stated the reasons for the delay in paragraphs 5 to 8. The reasons for the delay are due to the time taken for the Appellant to obtain additional / supplementary papers

in the matter of the Motor Third Party Office and the obtaining of the depositions and the concerned affidavits as well as the Assistant Manager drafting the note to be put up before the Deputy Manager for onward recommendation to the Regional Office. Thereafter the exhaustive note was prepared by the Assistant Manager after taking into account all the documents and handed over to the Deputy Manager on 5th August, 2022. The office was closed for the weekend on the next two days and thereafter Deputy Manager perused the note and instructed the Assistant Manager to make certain changes in the note on 10th August, 2022. The changes were made on the next date. However, the office was closed from 13th August, 2022 to 19th August, 2022 due to public holidays. The Deputy Manager perused the note on 22nd August, 2022 and signed the same on 23rd August, 2022. Thereafter, it is stated in paragraph 8 that on 24th August, 2022, the note had been sent to the Regional Office recommending the Appeal which was received on the next date and the Appeal memo was accordingly prepared and was finally approved on 10th September, 2022. The Appeal could only be filed after the decision of the Regional Office which was on 30th September, 2022 and hence there has been delay of 42 days.

4. I have perused the averments in the Interim Application and find that the satisfactory explanation has been given for the delay. Accordingly, the relief sought for in the Interim Application is granted. Hence the following order:-

- (i) The delay of 42 in filing Appeal is condoned.
- (ii) The office shall take the First Appeal on file.
- (iii) Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]