

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2174 OF 2018
IN
FIRST APPEAL (ST) NO. 29874 OF 2017**

The New India Assurance Co. Ltd. ...Applicant

Versus

Mr. Pradeep Avinash Gokhale & Anr. ...Respondents

**SONALI
MILIND
PATIL**

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Mr. Devendranath S. Joshi, for the Applicant.

CORAM Madhav J. Jamdar, J.

DATED: 21st April 2022

PC:-

1. Heard Mr. Devendranath Joshi, the learned counsel for the Applicant. He submits that there is small delay of 38 days and same is adequately explained in paragraphs 4 of the Civil Application.

2. This Civil Application is taken out by the Applicant seeking condonation of delay of 38 days in filing the First Appeal. The First Appeal is filed challenging the judgment and

award dated 29th March, 2017 passed by the learned Additional Member, MACT, Pune in MACP No. 1017 of 2013. The delay has been sufficiently explained in paragraph 4 of the Civil Application. It is stated that delay has been caused due to administrative difficulties and some time was required as the Advocate for the Appellant raised bills regarding Court fees and professional fees and mandatory deposit cheque. After said requirements are complied with an Appeal Memo was drafted, immediately the Appeal is filed.

3. Although the Respondents are served, none appears for the Respondents. The contentions raised in the Civil Application have remained uncontroverted as there is no Affidavit-in-Reply filed to the Civil Application.

4. In the facts and circumstances of this case, and for the reasons set out in the Civil Application, the same is allowed in terms of prayer clause (a).

(Madhav J. Jamdar, J.)