

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

**FIRST APPEAL (ST.) NO.28538 OF 2022
WITH
INTERIM APPLICATION NO.20405 OF 2022
WITH
INTERIM APPLICATION NO.20404 OF 2022
IN
FIRST APPEAL (ST.) NO.28538 OF 2022**

The New India Assurance Company Ltd.Appellant

Vs.

Vanita Ganesh Jadhav and Ors.Respondents

Mr. Devendranath S. Joshi a/w. Mr. Pradyumna Thakurdesai and Mr. Tejas Baviskar for appellant.

Mr. Pritesh Bohade for respondents.

**CORAM : K. R. SHRIRAM &
KAMAL KHATA, JJ.**
DATED : 7th DECEMBER 2022

PC. :

INTERIM APPLICATION NO.20404 OF 2022

1 The delay for condonation of 120 days in filing the appeal has been attempted to be explained in paragraph 4 of the interim application. The explanation is that since applicant is a corporate body, the files are routed from one table to another and thereafter, the file was sent to Kolhapur Third Party Claims Hub and from there it was sent to Pune Regional Office. Thereafter, the opinion of the legal retainer was obtained and the file was then sent to Central Motor Third Party Claims Hub in Mumbai where the decision to file appeal was taken. But since the financial

limits was of the Head Office, the file was referred to Head Office. One more ground taken is that the advocate for appellant, on the basis of an email received from respondents threatening to issue warrant of attachment, raised bills regarding court fees, professional fees and statutory deposit demand draft and thereafter, there was Diwali holidays.

2 It is settled law that there cannot be a separate yardstick for a public sector company. There is no explanation worth the name contained in the application beyond the usual file-pushing and administrative exigency. Given the object sought to be achieved by Courts, particularly in cases of this nature - speedy resolution of disputes, the expression “sufficient cause” is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. The expression “sufficient cause” is not a loose panacea for the ill of pressing negligent and stale claims. Delay condonation, particularly in cases of this nature, should be by way of exception and not by way of rule.

The explanation falls woefully short of making out any sufficient cause. Therefore, we are not inclined to accept this explanation as sufficient cause being made.

3 Interim application dismissed.

4 Consequently, another Interim Application being Interim Application No.20405 of 2022 also does not survive. The same is also

dismissed.

(KAMAL KHATA, J.)

(K. R. SHRIRAM, J.)