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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.4328 OF 2023
IN
FIRST APPEAL (STAMP) NO.12484 OF 2023

Reliance General Insurance Co. Ltd. ...Applicant
V/s.
Shankar K. Kerkar & Ors. ...Respondents

Ms.Shalini Shankar for the Applicant / Appellant.

Ms.Priyanka A. Babar i/b Mr.Tejal Ingale for the Respondents and
for the Applicant in IA No.16498 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 1ST NOVEMBER, 2023.

P.C. :-

1. This Interim Application is filed by the Applicant / Insurance
Company for condonation of delay in filing the First Appeal.

Paragraph 3 of the Interim Application reads as under :-

“3. That after passing an order the Appellant
Company has followed and take advice of the senior
advocates of the Appellant Company and after taking
advice upon the above claim petition the petition is
assign to the advocate for the further proceedings.
Therefore the Appellant has filed present a separate
civil Application for Condonation of delay.”

2. This is the only ground taken by the Appellant – Insurance

Company for condonation of delay, that they had taken advice of the senior advocates to file the First Appeal and therefore, there was a delay. In the entire Interim Application, there is no submission made as to when they approached the senior advocate to get advice and as to when they received the advice from the senior advocate ? The delay is of eleven months in filing the First Appeal.

3. Supreme Court in the case of ***Esha Bhattacharjee V/s. Managing Committee of Raghunathpur Nafar Academy***¹ and in the case of ***P.K. Ramchandran V/s. State of Kerala***², that if there is no satisfactory reasons given in the condonation delay application, the same should be rejected.

4. I have heard the counsel for both the sides and have gone through the contents of the Interim Application. Taking into consideration the reason given in the Civil Application and law laid down by the Supreme Court, no case is made out to condone the delay of eleven months in filing the First Appeal.

5. Therefore Interim Application No.4328 of 2023 for condonation of delay is dismissed.

WITH

FIRST APPEAL (STAMP) NO.12484 OF 2023

1 (2013) 12 SCC 649

2 (1997) 7 SCC 556

WITH
INTERIM APPLICATION NO.16498 OF 2023

1. Since Interim Application No.4328 of 2023 for condonation of delay is dismissed, the First Appeal stands dismissed. Interim Application No.16498 of 2023 for withdrawal of the amount deposited by the Insurance Company stands disposed of. Interim Applications pending, if any, are also dismissed.

(RAJESH S. PATIL, J.)