



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO 1333 OF 2023

IN

FIRST APPEAL STAMP NO. 7498 OF 2023

(The New India Assurance Co. Ltd Vs. Shri Rajkumar s/o Ramprasad Nagpure)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Lalit Limaye, Advocate for appellant/applicant.
Mr. A.A. Kathane, Advocate for respondent Nos. 1 and 2.
Mr. A.R. Prasad, Advocate for respondent No. 7.

CORAM : ABHAY J. MANTRI, J.

DATED : 11-07-2025

Heard.

2. The appellant/applicant has moved this application to condone the delay of 173 days caused in filing the appeal, for which, learned counsel for respondent Nos. 1 and 2 has given no objection. However, respondent No. 7 has strongly objected to the application on the ground that the applicant has failed to make out sufficient cause for causing the delay. Despite service of notice, none appear for the rest of the respondents, which leads to the inference that they have no objection to condone the delay.

3. On perusal of the record, it seems that the claimants have preferred the connected appeal arising out of the same incident, which is pending in this Court; therefore, in my view, however, respondent No. 7 has raised objection, it would be proper to condone the delay caused in filing the appeal subject to cost of Rs. 3,000/-. Accordingly, the application is allowed. The delay of 173 days in filing the appeal is condoned, subject to payment of a cost of Rs. 3,000/- to be paid to respondent No. 7, within four weeks. On deposit of the cost, the appeal be registered.

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Heard.

2. Issue notice to respondents, returnable after six weeks.
3. Mr. Prasad, learned counsel, waives notice for respondent no. 7 and Mr. Kathane, learned counsel, waive notice for respondent Nos. 1 and 2.
4. Call for record and proceedings.

(ABHAY J. MANTRI, J.)

Belkhede