

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY)
NO. 2701 of 2025
In
F/FIRST APPEAL NO. 7867 of 2025

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ORIENTAL INSURANCE COMPANY LTD. LEGAL BRANCH
Versus
IAYSHA WD/O DECD. SHAKIL PINJARI & ORS.

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Appearance:

MR DAKSHESH MEHTA(2430) for the Applicant(s) No. 1

MR. RUSHANG D MEHTA(6989) for the Applicant(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE NISHA M. THAKORE**

Date : 10/06/2025

ORAL ORDER

Heard Mr. Dakshesh Mehta, learned advocate for the applicant.

Noticing the minimal number of days involved in preferring the appeal, present application is taken-up for hearing in absence of the respondents. ***Rule returnable forthwith.***

Learned advocate for the applicant has invited my attention to the averments made in the application and has submitted that the impugned judgment and award was pronounced on 15th October, 2024. The certified copy of the same was applied on 28th October, 2024, which was delivered on 13th November, 2024. He has further pointed-out that the

papers of the case along with the certified copy of the order was forwarded to the Branch Office on 20th November, 2024 and the same was thereafter forwarded to the Regional Office on 20th December, 2024. The papers were sent back by the Regional Office to the Branch Office on 25th December, 2024 in absence of relevant documents. The Branch Office has thereafter directed the advocate to collect relevant papers for filing of the appeal before this Court on 30th December, 2024. The papers were forwarded to the advocate on 20th February, 2025, which were thereafter sent to the Branch Office on 25th February, 2025. The Branch Office has thereafter forwarded the same to Regional Office on 5th March, 2025. Appropriate instructions were issued to file the appeal before this Court to the advocate representing the insurance company on 8th March, 2025. By referring to the aforesaid dates, learned advocate has submitted that because of the internal exigency, the appeal could not be preferred within the prescribed period of limitation. The aforesaid circumstances were beyond the control of the applicant - appellant - insurance company. However, he has therefore submitted that liberal view be taken and delay may be condoned in the interest of justice.

Having heard the learned advocate for the applicant and considering the explanation offered by the applicant, it is evident that all through-out, the applicant was in process of pursuing the matter to file the appeal. The circumstances pointed-out were beyond the control of the applicant to approach in appeal within the stipulated period of limitation.

Considering the overall circumstances, this Court is

inclined to exercise its discretion by extending an opportunity to present their case on merits. Hence, present application is ***allowed***. The delay of 48 days occurred in preferring the appeal is hereby condoned. ***Rule made absolute.***

(NISHA M. THAKORE, J.)

AMAR RATHOD...

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: AMAR KANTILAL RATHOD(HC01074), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/06/2025 18:55:06