

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2359**  
**of 2025**

**In F/FIRST APPEAL NO. 12730 of 2025**

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CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. MEHSANA  
Versus  
HASMUKHBHAI PUNABHAI PARMAR & ORS.

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Appearance:

MASUMI V NANAVATY(9321) for the Applicant(s) No. 1  
MR VIBHUTI NANAVATI(513) for the Applicant(s) No. 1  
MR D S GADHVI(11310) for the Respondent(s) No. 1  
MR. SHIVAM N THAKKAR(10024) for the Respondent(s) No. 2,3,4

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**CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**

**Date : 03/10/2025**

**ORAL ORDER**

1. The present application has been preferred for seeking condonation of delay of 98 days caused in preferring the appeal against the impugned judgment and award dated 01.10.2024 passed in M.A.C.P. No.76 of 2021.
2. Heard learned advocate for the applicant.
3. Learned advocate for the applicant submitted that the delay of 98 days in preferring the appeal occurred owing to the reasons that the necessary papers were sent from branch office to head office of the Insurance Company for seeking the permission to prefer the appeal, therefore, the applicant could

not prefer the appeal within the prescribed period of limitation.

4. The notices have been duly served upon all the respondents. Despite service of notices, they have chosen not to appear before the Court when the matter was called out.

5. Considering the fact that the delay has occurred owing to the transmission of the record from the branch office to the head office and in conveying the necessary instructions for briefing, in my view, the cause shown is sufficient to condone the delay. Hence, the delay of 98 days caused in preferring the appeal is hereby condoned. The present Civil Application stands allowed. No order as to costs. The present application is disposed of.

6. Registry is directed to reflect the names of the respective advocates of the parties in the cause list of the First Appeal.

**(MOOL CHAND TYAGI, J)**

CDP

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: CHIRAG DESHRAJ PAL(HCD0072), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 04/10/2025 11:57:20