

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2370 of
2025
In F/FIRST APPEAL NO. 13124 of 2025

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ICICI LOMBARD GENERAL INSURANCE CO. LTD.
Versus
HASHMUKHBHAI NANDLAL ANTALA & ORS.

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Appearance:
MR RATHIN P RAVAL(5013) for the Applicant(s) No. 1
DS AFF.NOT FILED (R) for the Respondent(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 06/05/2025

ORAL ORDER

1. Learned advocate Mr.Rathin Raval for the applicant submitted that the coordinate Bench of this Court vide order dated 30th April, 2025 issued Rule, making it returnable on 05th May, 2025 and permitted direct service considering the urgency in the matter. Learned advocate for the applicant further submitted that the claimants were sought to be served directly, however they were reported out of town for marriage and the uncle present in the house of the claimants has refused to accept the service of notice of Rule. Learned advocate produced affidavit of service of notice, the same is taken on record.

2. Learned advocate Mr.Raval for the applicant submitted that because of the aforesaid reasons, the claimants were not served on one hand and on the other hand, the claimants have filed an application for disbursement of the amount in the concerned learned Tribunal and the same is posted today. Learned advocate, therefore, submitted that considering the peculiarity of the case and urgency, delay being very meager, may kindly be condoned in the interest of justice.

3. Considering the aforesaid aspects, more particularly that the application for disbursement is pending in the learned Tribunal, in the interest of justice, delay of 34 days deserves to be condoned and is hereby condoned. The Civil Application is allowed accordingly.

4. Keeping in mind the fact that disbursement application is scheduled today before the concerned learned Tribunal and if the same is allowed and the amount deposited by the insurance company is disbursed, the First Appeal would become infructuous. Hence, in the interest of justice, while condoning the delay, this Court would like to protect the interest of the insurance company by directing the learned

Tribunal not to disburse the amount until further orders by this Court.

Direct service is permitted, today.

(NIRAL R. MEHTA, J)

ANUP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANUP VYOMESH PARIKH(HC00956), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 06/05/2025 13:38:00