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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.771 OF 2019.

IN

FIRST APPEAL ST. NO. 3661 OF 2019.

The New India Assurance Co.Ltd.

...Applicant.

Versus

Smt. Reena Mandon Saroj And Ors.

...Respondents.

Ms. Shalini Shankar, for the Applicant.

Coram : Sharmila U. Deshmukh, J.

Date : April 3, 2025.

P. C. :

1. This application has been preferred seeking condonation of delay of 350 days caused in preferring the Appeal.
2. The office noting indicates that the Civil Application stands dismissed against the Respondent Nos. 1, 3 and 4 who were the relatives of deceased i.e. the widow, Father and mother of the deceased, by Order of 13th January 2020. Despite the passage of about 5 years, no steps have been taken to ensure service upon Respondent Nos. 1,3 and 4. Surprisingly, the minor son of the deceased aged 1½ years is impleaded as Respondent No.2 and Respondent No.5 as the Employer. As the Respondent No.1, 3 and 4 are the contesting parties against whom the Civil Application stands dismissed, no cause survives

for considering the Civil Application.

3. Apart from the above, the delay is of 350 days which is sought to be condoned by the present application. The impugned Judgment and Order was passed on 16th December 2018, and though the certified copy of was received on 17th February 2018, this Application has been filed on 12th December 2018. To explain this delay of 350 days one paragraph has been dedicated in the application that the Appellant Company is required to follow and take legal advice and therefore there is delay.

4. The application is completely bereft of any details and there are no dates given on which the communication was made for obtaining the legal advice, if required. The application is filed in a casual manner secure in the knowledge that the delay would be condoned as a matter of course.

5. Considering that the delay is a substantial delay of 350 days, there is no explanation much less sufficient for condoning the delay. The averments in the application would in fact indicate negligence and inaction on the part of the Applicant in filing the present application which is also demonstrated from the fact that though the Civil Application stood dismissed against Respondent Nos. 1,3 and 4 way back in the year 2020, no steps have been taken.

6. In light of the above, there is no reason to condone the delay of

350 days and Civil Application stands dismissed.

7. In view of the dismissal of the Civil Application, the First Appeal does not survive for consideration and stands dismissed.

[Sharmila U. Deshmukh, J.]