

(2024) 05 GUJ CK 0040

In the Gujarat High Court

Case No : R/Civil Application (For Condonation Of Delay) No. 924 Of 2023 In F/
First Appeal No. 20529 Of 2023

New India Assurance Company Limited

APPELLANT

Vs

Jayesh Prakashbhai Parmar & Ors

RESPONDENT

Date of Decision : 17-05-2024

Acts Referred:

Citation : (2024) 05 GUJ CK 0040

Hon'ble Judges : Devan M. Desai, J

Bench : Single Bench

Advocate : Dimple A Thaker

Final Decision : Allowed

Judgement

Devan M. Desai, J

1. Heard learned advocate Ms.Dimple Thaker for the applicant.
2. By way of this application, the applicant has prayed for condonation of delay of 137 days caused in preferring the Appeal.
3. Learned advocate for the applicant has submitted that the respondent No.2 is the driver of the offending vehicle and respondent No.3 is the owner of the offending vehicle. It is further submitted that the execution petition No.MACEX/24/2024 before the concerned authority and the next date of hearing of the petition is posted on 18.05.2024. In view of the peculiar facts and circumstances of the case, learned advocate for the applicant has requested to take up the present Civil Application today for hearing.
- 3.1 It is further submitted that the driver and owner of the offending vehicle, though not served, are not to be adversely affected if the application for condonation of delay is decided. It is further submitted that the original-claimant/s has filed appearance in the captioned First Appeal but chosen not to contest this application.

3.2 Learned advocate for the applicant has submitted that the file has travelled through various departments of the applicant. Thus, the reason for delay is administrative procedure and time consumed in decision making process. It is further submitted that the delay caused was not intentional and there was no lethargy on the part of the applicant.

4. Having considered the submissions and averments and in view of the set of facts, it seems that the file has travelled through different departments and the cause for delay is administrative procedure and time consumed in decision making process. The delay is not intentional and there was no lethargy on the part of the applicant. Sufficient cause has been made out for condonation of delay. Hence, in the interest of justice, the delay in preferring the First Appeal is condoned.

5. The Civil Application is allowed accordingly.