

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO.943 OF 2015
IN
FIRST APPEAL (ST) NO.3156 OF 2015

Reliance General Insurance Co. Ltd. ...Applicant

V/s.

Shital Ramanlal Bafna & Anr. ...Respondent

Ms. Deepika Motagi i/b. Respondent Juris for the Applicant.

CORAM: K.K. TATED, J.
DATED : MARCH 3, 2015

PC. :

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. This Application is preferred by the Insurance Co. for condonation of 61 days delay in filing the appeal challenging the judgment and award dated 08/08/2014 passed by the MACT Pune in MACP No.242/2010 by which the the Tribunal held that the Respondent claimant is entitled to sum of Rs.4,50,000/- with 9% p.a. interest by way of compensation.

3. The learned counsel for the Applicant submits that the Respondent claimant filed Execution Application No.266/2014. She submits that if the entire amount is recovered by the Respondent

claimants in the Execution Application, nothing will survive in the present proceedings.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for issuing notice to other side.

5. Hence, the following order:

A) Rule.

Rule is made returnable after 8 weeks.

B) In addition to usual mode of service, the Applicant is directed to serve the Respondent by way of private notice either by RPAD and/or by hand delivery and to file an affidavit of service to that effect on or before next date.

C) If bhatta charges are not paid within stipulated time as stated hereinabove, the Appeal from Order shall stand dismissed without further reference to the court.

(K.K. TATED, J.)