

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 3165 OF 2012
IN
FIRST APPEAL (ST.) NO. 19543 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Poonam Mittal i/b R. K. Cheulkar for the applicant.

Mr. T. J. Mendon for the respondent.

CORAM : K. K. TATED, J.

DATED : 29/07/2015.

P.C.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by Insurance Company for condonation of 67 days delay in filing First Appeal challenging the award dated 02.01.2012 passed by the Motor Accident Claims Tribunal, Thane in M.A.C.P. No. 480 of 2008.

3 The learned Counsel for the applicant submits that the respondents-claimants filed execution application in which show cause notice has been issued to the appellant, why their property should

not be attached for recovery of awarded amount.
Hence, there is an urgency.

4 It is to be noted that in the present proceeding, the respondent no.5 is owner of the offending vehicle. Therefore, the notice to the said respondent is dispensed with at present.

5 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

6 Hence, the following order.

a) Delay of 67 days in filing First Appeal is condoned.

b) Applicant to pay cost of Rs.1500/- to the respondents-claimants or their Advocate within four weeks from today.

c) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)