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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3415 OF 2013
IN
FIRST APPEAL (ST).NO.22840 OF 2013

United India Insurance Co. Ltd. ... Applicant
V/s.
Vithal Ramakant Bhanushali & Ors. ... Respondents

Smt. Varshal Chavan for applicant.

CORAM : K.K.TATED, J.
DATED : 13th March 2015.

P.C.

1] Heard the learned Counsel for the applicant. Though the respondents are duly served, no one appeared on their behalf when the matter was called out today.

2] This is an application preferred by the Insurance Company for condonation of delay of 98 days in filing the first appeal challenging the order dated 28th December 2012 passed by Motor Accidents Claim Tribunal, Thane below Exh.5 in Claim Petition No.880 of 2010 allowing respondent- claimant's application under section 140 of the Motor Vehicles Act, 1988.

3] Considering the submissions made by the learned Counsel for the applicant and averments in the civil application, I am satisfied that the applicant has made out a case for allowing this civil application.

4] The civil application is allowed in terms of prayer clause (a) which reads thus:-

“(a) That delay of 98 days in filing the appeal be kindly condoned and the appeal be heard on merits.”

5] Place the first appeal and civil application No.3416 of 2013 on board for admission on 27th March 2015.

(K.K.TATED, J)