

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

**CIVIL APPLICATION NO. 2203 OF 2012
IN
FIRST APPEAL (ST) NO. 32569 OF 2011**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S. M. Dange for the applicant.
Mrs. Mamta Dave for the respondent nos. 1 to 3.
None for respondent no.4.

**CORAM : K. K. TATED, J.
DATED : 15/04/2015**

P.C.:

. Heard learned Counsel for the applicant and learned counsel for the respondent nos. 1 to 3.

2 Though respondent no.4 is duly serve, no one appeared on behalf of him when the matter called out.

3 This Application is preferred by the insurance company for condonation of 48 days delay in filing First Appeal challenging the Judgment and Award dated 14.06.2011 passed by M.A.C.T., Mumbai in Application No. 1381 of 2002.

4 The learned counsel for the respondent nos. 1 to 3 vehemently opposed the present Civil Application . She submits that applicant has not shown sufficient cause for condonation of

inordinate delay of 48 days in filing First Appeal. She submits that though the applicant received certified copy of impugned judgment and award on 16.08.2011, they filed the present First Appeal on 19.10.2011. There is no explanation why the applicant delayed the matter for filing before this court. Hence, there is no substance in the Civil Application and same to be dismissed.

5 I heard both the sides at length. For the reasons given by the applicants in paragraphs 3 and 4 of Civil Application, I am satisfied that applicant has made out case for allowing Civil Application. But at the same time applicants have to pay cost of Rs.1,500/- to the respondent nos. 1 to 3 within four weeks from today.

6 Hence, the following order:

i) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) Delay of 48 days in filing the First Appeal be condoned.”

ii) Applicant to pay total cost of Rs.1,500/- to the respondent nos. 1 to 3 within four weeks from today.

iii) Civil Application is disposed of accordingly.

(K.K.TATED, J.)