

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAO] No.1344 of 2015

in

Cross Objection Stamp No.4043 of 2015

in

First Appeal [FA] No.1030 of 2014

(Gaukarnabai wd/o Mahadevrao Bharsakde and another

vs.

Bharti Axa General Insurance Co. Ltd. and others)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri P.R. Agrawal, Advocate for Applicants/Objectors.

Shri A.J. Pophaly, Advocate for Non-Applicant No.1/Appellant.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATE : OCTOBER 23, 2015.

First Appeal No.1030/2014 filed by the Insurance Company is already admitted by this Court and interim orders are also passed. The Insurance Company has deposited about Rs.42,28,274/- and out of which Rs.20,00,000/- is also withdrawn by the claimant.

The claimant seeks to file cross-objection seeking to assail the findings of Motor Accident Claims Tribunal about breach of policy condition. There is delay of 54 days in filing the same.

The reasons for delay are supported by an affidavit by applicant-Gaukarnabai.

Advocate Shri Pophaly is opposing the prayer. He is also seeking time to file reply.

However, we find that effort is only to assail findings on breach of policy. In above background, we are inclined to condone the delay, as there are no *mala fides*.

Accordingly Civil Application No.1344/2015 is allowed.

Cross Objection Stamp No.4043/2015 :

This Court has today condoned the delay in filing cross-objection.

Heard.

Admit.

Advocate Shri Pophaly waives notice for respondent No.1-Insurance Company in cross-objection.

JUDGE

JUDGE

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