

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

CAF No.1471/2012 in F.A.St. No.6924/2012  
The Oriental Insurance Company Ltd. Vs. Smt. Malanbai wd/o Yuvraj Baghele  
and Ors.

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| Notes, Office Memoranda of<br>Coram, appearances, Court's orders<br>or directions and Registrar's orders. | <u>Court's or Judge's<br/>Orders.</u> |
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**CORAM : Z.A. HAQ, J**  
**DATE : 5<sup>th</sup> January, 2015.**

Heard Shri A.W. Paunikar, the learned Advocate for the applicant and Shri M.M. Kalar, the learned Advocate for the non-applicant no.9. None appears for other non-applicants.

This is an application praying for condonation of delay of 570 days in filing the appeal. The explanation given by the applicant for not filing the appeal within the prescribed period of limitation is in paragraph nos. 2 and 3 of the application, which read as follows:-

*"The copy of Motor Accidents Claims Tribunal's order was received by appellant on 17/07/2010. Thereafter the counsel for appellant forwarded the same to Gondia Divisional Office of appellant along with his comments and recommendations. The Divisional Office Gondia, after consideration forwarded the necessary papers to Nagpur Regional Office of the appellant, which is competent authority in matters of taking decision. The regional office forwarded the entire file to TP HUB of appellant to take appropriate decision. The office of appellant thereafter, sought certain clarifications which were necessary for taking appropriate decision in the matter. That as per*

*award dated 05/03/2010 MACT hold all the respondents jointly & severally liable to deposit the amount. That there were two Insurance Companies in the list of respondents including present appellant, as such the apportionment amount comes for the appellant is Rs. 2,41,263/- including interest up to 02/09/2010 & costs. Hence appellant Insurance Company decided to deposit the amount of Rs. 2,41,263/- immediately on 02/09/2010 the said amount has been deposited vide cheque No. 010461".*

3. *It is worth to point out here that, the amount of Rs. 2,41,263/- deposited by the appellant is withdrawn by the claimants on 06.01.2011. Prior to withdrawal of amount by the claimants, the claimants had send one notice before recovery proceeding to the appellant, wherein the claimants hold this appellant liable to pay entire compensation (Rs. 5,12,401.75) along with interest & costs. It is informed by the appellant and as per the instructions of appellant that, now the claimants has filed the recovery proceeding against appellant. As such the appellant decided to file the appeal against the order passed by the Motor Accidents Claims Tribunal Gondia. The papers were accordingly forwarded to the counsel for drafting the appeal. Accordingly appeal has been prepared and thus filed before the Hon'ble Court. However, in the process a delay of 570 days has been occasioned".*

The explanation given by the applicant cannot be said to be "sufficient reason" or "sufficient cause" on the basis of which the delay

of 570 days in filing the appeal can be condoned. The civil application is dismissed. Consequently, the appeal is also dismissed. No costs.

**CAF No.1472/2012**

In view of the disposal of the Civil Application NO.1471/2012, this civil application stands disposed.

**JUDGE**

*Ambulkar*