

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

CIVIL APPLICATION (CAF) NO. 2932 OF 2014 IN
FIRST APPEAL NO. OF 2013

(The Oriental Insurance Co. Ltd., Wardha Branch thr. The Regional Manager, Nagpur vs. Smt. Rajani Manish Dhiran & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
NOVEMBER 16, 2015.**

Heard Shri Kukday, learned counsel for the applicant and Shri Mundra, learned counsel for respondent Nos. 1 to 4.

The applicant – Insurance Company has filed an appeal under Section 173 of the Motor Vehicles Act, 1988, and Civil Application has been moved for condoning delay of 92 days in filing it.

Shri Kukday, learned counsel points out that the period was taken by the Insurance Company for completing administrative formalities and total amount awarded has been deposited with the Registry of this Court.

Shri Mundra, learned counsel appearing for the claimants is strongly opposing the prayer for condonation of delay. He submits that reason being pressed into service does not inspire confidence.

We find that the award has been delivered on 06.03.2013 and copy was applied on 08.03.2013. It was ready for delivery on 14.03.2015. It was accordingly forwarded to the department. The

department – Insurance company then called for certain papers and those papers with recommendations were supplied on 16.04.2013. It appears that Head Office decided to file appeal and papers were then received back on 23.07.2013. It, therefore, appears that always some developments were going on. As such, we do not find any unjustifiable delay or malafides in the matter. Delay is, therefore, condoned. Application is allowed. Registry to register First Appeal.

FIRST APPEAL **OF**

Heard.

Admit.

Shri Mundra, learned counsel waives notice for respondent Nos. 1 to 4.

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As the amount is already deposited, subject to right of claimants to apply for withdrawal, interim order already operating is confirmed. Needless to mention that such application for withdrawal, if moved, shall be decided on its own merits.

JUDGE

JUDGE

*GS.