

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.704 OF 2015
IN
FIRST APPEAL (ST) NO.6488 OF 2014**

New India Ass. Co. Ltd	.. Applicant
V e r s u s	
Prashant Vishu Shirke and Others	.. Respondents

Mr. Ramesh Cheulkar for the Applicant.
Mr. Hemant P. Ghadigaonkar for Respondent Nos. 1 to 3.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 Not on board. At the request of learned Counsel for the Appellant, the matter is taken on the board for urgent orders.

2 The learned Counsel appearing for the Applicant submitted that the Respondents/claimants filed the Execution Application, hence, there is urgency in the present matter.

3 This application is preferred by the Insurance Company for condonation of delay of 160 days in filing the First Appeal, challenging the judgment and award dated 3 June 2013 passed by the MACT at Oros, District Sindhudurg in Application MACP No.07 of 2012, by which Tribunal

awarded a sum of Rs.7,03,136/- with 9% interest per annum by way of compensation.

3 The learned Counsel appearing for the Respondents vehemently opposed the present Civil Application. He submitted that the Applicant has not shown sufficient cause for condonation of inordinate delay. Hence, there is no substance in the present application and the same be dismissed with costs.

4 Considering the submissions made by the learned Counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for condonation of delay on payment of costs of Rs.2,500/- to the Respondents/claimants. Hence, the following order.

: O R D E R :

{A} The delay of 160 days caused for filing the First Appeal challenging the judgment and award dated 3 June 2013 passed by the MACT at Oras, District Sindhudurg in Application MACP No.07 of 2012, is condoned on payment of costs of Rs.2,500/-.

{B} The costs to be paid to the Respondents/claimants or their Advocate and/or to be deposited in the Registry of this Court within a period of four

weeks from today, failing which the Civil Application shall stand dismissed without further referring back to this Court.

{C} If the costs is deposited in the Registry of this Court, the Respondents/claimants are entitled to withdraw the same without furnishing any security.

{D} Civil Application stand disposed of accordingly.

(K.K. TATED, J.)