

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

CIVIL APPLICATION NO.1643 OF 2013

IN

FIRST APPEAL STAMP NO.3725 OF 2013

United India Insurance Company Limited .. Applicant/Appellant

Versus

Kalpana Chandrahas Netalkar and others .. Respondents

Ms. Varsha Chavan for the Applicant/Appellant.

Mr. Datta Mane for the Respondent Nos.1 and 2.

CORAM : R.M. SAVANT, J.

DATE : 8th JULY 2016

PC.

1. The above Civil Application has been filed for condonation of delay of 95 days in filing the above First Appeal. The reasons for the delay are mentioned in paragraph 5 of the Civil Application. The office note indicates that the Respondent No.4 has not been served. However, the Respondent No.4 is the owner of the vehicle which was involved in the accident and which was insured with the New India Assurance Company Limited has not filed an Appeal. The Appellant United India Insurance Company Limited has challenged the Award passed by the MACT, Thane inter-alia on the ground that there was negligence on the part of the driver of the vehicle which was insured with the New India Assurance Company

Limited as also on the ground that vehicle was sold prior to the accident. In my view, having regard to the fact that the claimants are already represented before this Court in so far as the application for condonation of delay is concerned, the same can be proceeded with. Hence, accepting the reasons mentioned in the Civil Application, the delay of 95 days in filing the First Appeal stands condoned. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]