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

**CIVIL APPLICATION NO.2631 OF 2011**  
**IN**  
**FIRST APPEAL (ST) NO.15003 OF 2011**

National Insurance Ltd. .... Applicant

V/s.

Lalitabai Babu Chavan and ors .... Respondents

Mr. Rahul Mehta I/by KMC Legal Venture, for the Applicant.

Mr. A. M. Gokhale, for the Respondent nos 1 to 5 .

Ms. N.S. Babade, I/by Manoj Bhat, for respondent No.7

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 24<sup>TH</sup> OCTOBER, 2016.**

**P.C. :**

1. This application is seeking condonation of delay of 473 days in preferring First Appeal against the judgment and Award dated 9.3.2010, passed by M.A.C. Thane, in MACP No.942 of 2006. It is stated that the award was passed in March, 2010. Certified copy of the award was received from advocate on record of the Tribunal namely Adv. Gladys Pereira, only on 28.3.2011. Thereafter various steps were taken by the applicant to get approval and sanction from the departments and then

appeal is filed and hence there is delay.

2. It appears that this Court vide its order dated 26<sup>th</sup> September, 2011 was pleased to observe as follows :-

“Perusal of the application shows that there are very serious allegations made in this application against Mrs.Glady Pareira, Advocate. Hence, this application cannot be heard without the said Advocate being made a party to this application. Advocate for the Applicant shall carry out amendment to this application for impleading said advocate as party respondent No.7. Amendment shall be carried out within a period three weeks from today”.

3. It is submitted by learned counsel for applicant that in view of these directions of this Court, Adv. Mrs. Glady Pareira was added as respondent No.7 in this application and today respondent No.7 is appearing through Adv. Manoj Bhat. Considering relevant facts and avernments made in this application, in my considered opinion, application for condonation of delay makes out a sufficient cause for allowing the same. However, considering the delay caused in the entire process, costs of Rs.5,000/- is imposed on the applicant. Subject to depositing costs of Rs.5,000/- in this Court, within a period of four weeks from today, application for condonation of delay is

allowed. Costs to be deposited in the Registry, Appellate Side of this Court.

4. Respondents -claimants are permitted to withdraw the said costs.

5. Respondent No.7 Adv. Glady Pareira, is discharged accordingly.

**[DR. SHALINI PHANSALKAR JOSHI, J.]**