

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 2675 OF 2010
IN
FIRST APPEAL (ST.) NO. 17661 OF 2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Rahul Mehta i/b KMC Legal Venture for the applicant.

Mr. Rushikesh Patil i/b P.D. Dalvi for the respondent nos. 1 to 3.

CORAM : K. K. TATED, J.

DATED : 18/01/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by the Insurance Company for condonation of 506 days delay in filing First Appeal challenging the order dated 12.12.2008 passed by the M.A.C.T., Kalyan below Exh.5 in M.A.C.P. No. 180 of 2008 directing applicant to pay sum of Rs.50,000/- under Section 140 of the M.V. Act.

3 The learned Counsel for the applicant submits that the Respondents Claimants in their application below Exh.5 given incorrect address of the applicant showing the name of Iffco Tokio General Insurance Company. In support of this contention, the learned Counsel for the applicant relies on paragraph 3 of

the Civil Application. He submits that in the interest of justice this Hon'ble Court be pleased to condone the delay and matter to be heard on its own merits.

4 On the other hand, the learned Counsel for the respondents-claimants vehemently opposed the present Civil Application. He submits that the applicant has not shown sufficient cause for condonation of delay. There is no substance in the civil application. Hence, civil application be dismissed with costs.

5 I heard both the sides at length. The First Appeal is filed by the Insurance Company challenging the order dated 12.12.2008 below Exh.5 in M.A.C.P. No. 180 of 2008 by which the Tribunal directed Insurance Company to pay Rs.50,000/- under Section 140 of the M.V. Act. Considering the reasons disclosed by the applicant in paragraph 2 of the Civil Application, I am satisfied that applicant has made out case for allowing Civil Application.

6 Hence, the following order.

a) Delay of 506 days in filing the First Appeal challenging the order dated 12.12.2008 passed by the M.A.C.T., Kalyan below Exh.5 in M.A.C.P. No. 180 of 2008, is condoned.

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)