

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 1021 OF 2016
IN FAST/2797/2016

THE NEW INDIA ASSURANCE CO. LTD. THR ITS MANAGER (LEGAL
HUB) THR RAVIKANT YADAV
VERSUS
NARMADA KONDIRAM KARALE AND OTHERS

...
Advocate for Applicant : Mr. M. M. Ambhore.
Advocate for Respondents No. 1 to 3 : Mr. R. B. Dhakane.
...

CORAM : K.K. SONAWANE, J.

DATED : 02ND NOVEMBER, 2017.

Order :-

When the matter is called out, none present for respondents. Matter was kept back due to absence of respondents No. 1 to 3, but in the second half also no one else turned on their behalf. Despite service of notice to respondents No. 4 and 5, none caused appearance on their behalf in this matter. Considering the attending circumstances, there is no alternative but to proceed further for adjudication of application on merit in absence of respondents.

2. Heard learned counsel for applicant/appellant. Perused application and relevant documents produced on record. There is delay of 167 days for filing First Appeal against impugned Judgment and Award passed by the learned Tribunal in Motor Accident Claim Petition No. 669 of 2009 dated 27-04-2015. According to learned counsel for applicant, delay was not intentional or deliberate but caused due to compliance of official process as well as budgetary allocation for court fees and statutory deposit in the proceedings. Hence, he requested to condone the delay.

3. I have given anxious consideration to the argument advanced on behalf of the learned counsel for appellant. In view of reasons mentioned in the application, I do not find any impediment to condone the delay. It would not cause injustice and prejudice to the

respondents. It will facilitate to provide a reasonable opportunity to the applicant in the interest of justice to ventilate it's grievance before the Appellate Forum for redressal. Hence, application deserves to be allowed. Accordingly, application stands allowed in terms of prayer clause 'B'. The delay caused for filing First Appeal against impugned Judgment and Award is hereby condoned. The civil application is disposed of accordingly. Registry to take requisite steps for further process.

[K. K. SONAWANE]
JUDGE

rrd.