

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

**CIVIL APPLICATION NO. 3044 OF 2016
IN
FIRST APPEAL STAMP NO. 6577 OF 2016**

The New India Assurance Co. Ltd. ...APPLICANT

versus

Sindubai Vitthal Jate and others ...RESPONDENTS

.....
Mr. Dhananjay Deshpande, Advocate for applicant
Mr. R.B. Dhakne, Advocate for respondents No.1 and 2
.....

**WITH
CIVIL APPLICATION NO. 9282 OF 2016
IN
FIRST APPEAL STAMP NO. 6577 OF 2016**

...

CORAM : K.K. SONAWANE, J.

DATED : 21st AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant / appellant and respondents No. 1 and 2. Despite service, none has caused appearance on behalf of respondent No. 3-Kailas Annasaheb Balme.

2. The learned counsel for the applicant submits that respondents-original claimants preferred Motor Accident Claims Petition No. 239 of 2008 for compensation on account of death of deceased Vitthal Sakharam Jate, who met with an accident. The learned Tribunal appreciated the circumstances on record and allowed the petition. The learned Tribunal imposed monetary liability on the owner and applicant-Insurance Company. According to learned counsel, findings

expressed by the learned Tribunal are not just and proper and Insurance Company is intending to prefer an appeal. However, there is delay of 18 days in preferring the appeal against impugned Award. The delay caused is not intentional or deliberate, but it caused due to procedural formalities. The learned counsel prayed to allow the application and condone the delay.

3. The learned counsel for respondents-original claimants fairly conceded that suitable and requisite orders be passed in the interest of justice.

4. Considering the reasons mentioned in the civil application, the same is allowed in terms of prayer clause "B". The delay caused in preferring the first appeal against the Judgment and Award dated 01-09-2015 in MACP No. 239 of 2008 passed by learned Member, Motor Accident Claims Tribunal, Shrirampur, District Ahmednagar is hereby condoned. The Registry to take requisite steps for further process.

5. The civil application for condonation of delay stands disposed of in aforesaid terms.

6. On registration of appeal, list the same for admission hearing along with civil application No. 9282 of 2016 for withdrawal of amount, on 31st August, 2017. High on Board.

[K. K. SONAWANE]
JUDGE