

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

CIVIL APPLICATION NO. 4352 OF 2014
IN
FIRST APPEAL STAMP NO. 8568 OF 2014

UNITED INDIA INSURANCE COMPANY LTD
VERSUS
VISHWANATH MADHAV MOTIRAWA AND OTHERS

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Advocate for applicant: Mr. S.V. Kulkarni
Advocate for respondent No. 1: Mr. S.V. Munde
Advocate for respondents No. 1 to 3 :Mr. S.B. Gastgar
Advocate for respondents No. 2 and 2 : Mr. R.B. Deshmukh

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WITH
FIRST APPEAL NO. 4336 OF 2016
WITH CA/4347/2014 IN FA/4336/2016
WITH WP/4245/2014 WITH WP/4246/2014
WITH WP/4248/2014 WITH WP/4249/2014
WITH WP/4250/2014 WITH WP/4251/2014
WITH CA/4353/2014 IN FAST/8568/2014
WITH FA/4337/2016 WITH CA/4351/2014 IN FA/4337/2016
WITH FA/4338/2016 WITH CA/4349/2014 IN FA/4338/2016
WITH FA/4339/2016 WITH CA/4358/2014 IN FA/4339/2016
WITH CA/13771/2016 IN FA/4339/2016 WITH FA/4340/2016
WITH CA/4356/2014 IN FA/4340/2016

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CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Heard learned counsel for appearing parties.
2. Mr. Deshmukh, learned counsel appearing submits that due to unavoidable circumstances he could not file vakalatnama on behalf respondents No.2 and 3 and undertakes to file the same in due course.
3. This is an application for condonation of 75 days delay caused in filing the first appeal against the impugned judgment and award dated 27-08-2013 passed by the Member, Motor

Accident Claims Tribunal, Udgir District Latur, in MACP No. 90 of 2007. According to learned counsel for the applicant, the delay so caused in filing the appeal is not intentional and deliberate, but it caused to compliance of official procedure. There is delay of 75 days for filing the first appeal. Hence, he prayed to condone the delay.

4. In view of nature of subject-matter and reasons mentioned in the application, there is no impediment to allow the application. The delay caused in filing the appeal deserves to be condoned. Accordingly, application stands allowed in terms of prayer clause "B". The delay of 75 days caused in filing the first appeal against the impugned judgment and award dated 27-08-2013 passed by the Member, Motor Accident Claims Tribunal, Udgir District Latur, in MACP No. 90 of 2007 is hereby condoned. Registry to take requisite steps for further process.

5. On registration of first appeal, issue notice to the respondent for admission of the appeal on merit. Respective learned counsel waives service of notice on behalf of respondents.

6. After compliance of procedural formalities list the appeal accompanied with First Appeal No. 4335 of 2016 and writ petition No. 4245 of 2014 as well as other connected matters on 22-01-2018.

Sd/-
[K. K. SONAWANE]
JUDGE