

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 7179 OF 2016
IN FAST/8861/2016

THE NEW INDIA ASSURANCE CO. LTD. THR ITS AUTHORIZED SIGNATORY
RAVIKANT YADHAV
VERSUS
KUMARSAGAR KIRAN PARAKH AND ORS

...

Advocate for Applicant :Mr. M.M. Ambhore
Adv. for Respondents 1 to 3 : Mr. D.L. Khivesara & G.D. Jain
Adv. for Respondent No. 5 : Mr. Sandeep Gorde Patil

CORAM : K.K. SONAWANE, J.

DATE : 29th September, 2017.

PER COURT:

Registry to accept the cheque.

2] Heard learned counsel for the appellant and learned counsel for the respondent Nos. 1 to 3 and respondent No.5. This is an application for condonation of delay of 128 days caused for filing first appeal against the impugned judgment and award passed by the learned MACT, Shrirampur in MACP No. 298/2009.

3] According to learned counsel for the appellant Insurance Company the delay is not intentional and deliberate but caused due to compliance of official procedure. The matter pertains to motor accident claim filed by the respondent original claimant. Therefore, he requested to condone the delay. Learned counsel for the respondent Nos. 1 to 3 - original claimants as well as respondent No.5 owner of the offending vehicle submits that the so called delay is not properly explained. However, they fairly conceded that they have no objection to condone the delay in the interest of justice.

4] In view of the submissions advanced on behalf of both sides, I do not find any impediment to condone the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the application for condonation of delay deserve to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal and list the matter in due course. Meanwhile, call R. & P. from the concerned tribunal. Accordingly civil application stands disposed off.

[K.K. SONAWANE]
JUDGE.

grt/-