

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

921 CIVIL APPLICATION NO. 5236 OF 2012 IN FAST/11969/2012

United India Insurance Company Ltd.,		
Through It's Branch Manager, Latur	..	Applicant.
Versus		
Nath Madhavrao Gurme and others	..	Respondent.

...
 Advocate for Applicant : Mr. S. G. Chapalgaonkar.
 Advocate for Respondent No.1 : Mr. Sanjay V. Mundhe
 Advocate for Respondent No.2 : Mr. S. P. Urgunde.
 ...

CORAM : K.K. SONAWANE, J.

DATED : 13TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for the applicant- Insurance Company and the learned counsel for the original claimant-respondent No.1. Perused the application and relevant documents produced on record. I do not find any propriety to keep the matter in abeyance for appearance of respondents No. 3 and 4. Therefore, I preferred to proceed further for decision of present application in absence of respondents No. 3 and 4.

2. This application is moved to condone the delay of 8 days for filing First Appeal against the impugned Judgment and Order passed by the learned Motor Accident Claims Tribunal in Motor Accident Claim Petition No.310 of 2007, dated 27th December, 2011. There is meager delay of 8 days caused in filing the First Appeal. In view of reasons mentioned in the application, I find that there is no impediment to condone the delay. The reasons mentioned in the application are sufficient to extend reasonable latitude to the applicant-appellant for redressal its grievance before the Appellate Forum. In such circumstances, delay is required to be condoned. Accordingly, application for condonation of delay caused in filing the First Appeal stands allowed in terms of prayer clause 'B'. The delay is hereby condoned. Registry to take requisite steps for further process. The Civil Application for condonation of delay stands disposed of.

3. On registration of appeal, issue notice to respondents, returnable on 11th October, 2017.

4. Mr. S. V. Munde, learned counsel for respondent No.1, on admission, waives notice for respondent No.1.

5. In addition to regular mode of service, appellant- Insurance Company to serve notice of final hearing of the appeal at the admission stage to the respondents No. 2 to 4 privately by any fastest mode as may be permissible in law and file affidavit of service of notice to that effect alongwith tangible proof by returnable date.

[K. K. SONAWANE]
JUDGE

rrd.