

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 11042 OF 2016
IN FAST/21821/2016

UNITED INDIA INSURANCE CO. LTD.
VERSUS
SONIYA MAROTI AGHAV AND ORS

...
Advocate for Applicant : Mr. Mandar Deshmukh, Advocate
h/f. Mr.S.G. Chapalgaonkar
Adv. for Respondents: Mr. H.P. Bondar h/f Mr. S.S. Thombre

CORAM : K.K. SONAWANE, J.

DATE : 6th October, 2017.

PER COURT:

1] Heard learned counsel for the applicant/Insurance company and learned counsel for the respondent Nos. 1 to 5/original claimants. Despite service of notice none appears for the respondent No.6.

2] Perused the application. Learned Counsel for applicant/s submits that due to official procedure to present an appeal, delay of 100 days has been caused. He submits that delay is not deliberate and intentional but caused owing to compliance of official process for approval. It has been submitted that the applicant insurance company has already deposited the entire decretal amount in this court and the respondents original claimants are also allowed to withdraw some part of the decretal amount in this case. As such, he prayed to condone the delay.

3] Learned counsel for the respondent raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

4] I have heard the submission canvassed on behalf of both sides and perused the application as well as the impugned judgment and award against which the applicant Insurance company is intending to file an appeal. In view of nature of subject matter and reasons mentioned in the application, I do not find any impediment to condone the delay. The matter pertains to motor accident claim. The learned Tribunal imposed monetary liability on the applicant insurance company for payment of compensation to the respondent Nos. 1 to 5 for their loss from the vehicular accident. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay of 100 days caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

5] On registration of appeal, issue notice to respondents returnable on 20th November, 2017. Mr. H.P. Bondar, Advocate h/f. Mr. S.S. Thombre, Advocate waives notice for Respondent Nos. 1 to 5. Meanwhile, call for R.& P from the concerned tribunal. After appearance of respondent No.6 and receipt of R.& P. list the matter for admission in the week commencing from 20th November, 2017.

[K.K. SONAWANE]
JUDGE.

grt/-