

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

8 CIVIL APPLICATION NO. 11349 OF 2012
IN FAST/25979/2012

SHRIRAM GENERAL INSURANCE CO. LTD.
VERSUS
PARIGHA DNYANDEO BORSE AND ORS

WITH CA/11350/2012 IN FAST/25979/2012

...
Advocate for Applicant : Mr. Upadhye Vinayak Narayan
None present for Respondent Nos.1 to 6
Name of respondent No.7 is deleted
...

CORAM : K.K. SONAWANE, J.
DATE : 18TH SEPTEMBER, 2017

ORAL ORDER :-

1. Heard learned counsel for the applicant-Insurance Company. None present for respondent Nos.1 to 6. Respondent No.7 is deleted since beginning. As per the record, there were endeavor to serve notice to respondent No.8. But all efforts found unavailing. In such circumstances, I do not find it justifiable to keep in abeyance further process in this matter for service of notice to respondent No.8. In view of nature of the subject-matter, I prefer to proceed further for determination of issue of condonation of delay in this petition in absence of respondent No.8.

2. In view of reasons mentioned in the application, I do not find any impediment to condone the delay of 77 days in filing First Appeal against the impugned Judgment and Award passed by the learned Tribunal, Shrirampur in MACP No. 362 of 2010. Thus, the delay caused for filing Appeal is hereby condoned and accordingly the application stands allowed. Registry to take requisite steps for further process.

3. On registration of First Appeal, re-issue notice to the respondents, returnable on 1st November, 2017.

4. In addition to Court service, the appellant to serve the notice privately by fastest mode and file affidavit of service of notice on record with its tangible proof.

5. Keep the Appeal for hearing at the admission stage.

[**K. K. SONAWANE, J.**]