

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

33 CIVIL APPLICATION NO. 12095 OF 2016
IN FAST/26030/2016 WITH CA/12096/2016 IN FAST/26030/2016
WITH CA/3745/2017 IN FAST/26030/2016

THE NEW INDIA ASSURANCE CO. LTD. THR ITS AUTH.
SIGNATORY AVINASH ACHYUT BUGDANI
VERSUS
JAMRUTBI NAWAZ PATHAN AND ORS

...
Advocate for Applicant : Mr. M.M. Ambhore
...

CORAM : K.K. SONAWANE, J.

DATED : 7th AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant-appellant. None appears for respondent No. 1 and her minor children respondents No. 2, 4 and 5 as well as major daughter respondent No. 3. None appears for respondent No. 6 also who is owner of the offending vehicle. Despite endeavour, service of notice to respondent No. 7 could not be executed for want of his correct forwarding address. The matter pertains to condonation of 112 days delay in preferring the appeal against the impugned Award, which is pending since August, 2016. Considering absence on the part of respondents, I do not find any impediment to condone the delay for further progress in the matter, which pertains to accident claim under section 166 of the Motor vehicles Act.

2. The learned counsel for the applicant submits that the Insurance Company has already deposited of Rs. 25,000/- as statutory amount and he is ready to deposit rest of the amount of compensation in this Court within a period of four weeks.

3. In view of aforesaid submission, the application is allowed subject to condition that applicant shall deposit rest of the compensation amount as awarded by the learned Tribunal, within four

weeks in this Court, failing which application for condonation of delay shall stand dismissed automatically without further reference to this Court. In case, the amount of compensation is deposited, within stipulated period, as indicated above, Registry to take requisite steps for further process.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK