

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

914 CIVIL APPLICATION NO. 14939/2016
IN FAST/32059/2016 WITH CA/ 5380 OF 2017 IN FAST/32059/2016
WITH CA/14940/2016 IN FAST/32059/2016 WITH CA/14941/2016 IN
FAST/32059/2016

UNITED INDIA INSURANCE CO. LTD. THR ITS BRANCH MANAGER,
AURANGABAD AND ORS ORS

VERSUS

DNYANESHWARI UTTAM NAGARGOJE AND

...

Advocate for Applicants : Mr. S.G. Chapalgaonkar
Advocate for Respondents No.1 to 4 : Mr. S.G. Gitte

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CORAM : K.K. SONAWANE, J.

DATED : 05TH OCTOBER, 2017.

Order :-

1. Mr. Chapalgaonkar, learned counsel for the applicant-appellant, on instructions, seeks leave to delete the name of respondent No. 7 from the array of respondents.
2. The name of respondent No. 7 is deleted from the array of respondents at the risk and peril of appellant. Necessary amendment be carried out forthwith.
3. Heard learned counsel for the applicant/appellant-Insurance Company and respondents No. 1 and 4 - original claimants. Despite the service, none appears on behalf of rest respondents.

4. This is an application for condonation of 189 days delay in filing the appeal against impugned Judgment and Award passed by the learned Motor Accident Claims Tribunal, Ambajogai. According to the learned counsel for appellant, the delay is not intentional or deliberate but it caused due to official process. Hence, he prayed to condone the delay.

5. The learned counsel for respondents No.1 to 4 - Original claimants raised objection and submits that delay has not been properly explained the same would not be condoned and prayed to reject the application.

6. Perused the application. In view of the submissions and for the reasons stated in the application, I do not find any impediment to condone the delay. It would not cause injustice and prejudice to the respondents-original claimants, but it would sub-serve the purpose for substantial justice. Accordingly, application stands allowed in terms of prayer clause "B". The delay of 189 days caused in filing the appeal against impugned Judgment and Award passed by the learned Tribunal stands condoned. The Registry to take requisite steps for further process.

7. On registration of appeal, issue notice to respondents, returnable on 2nd November, 2017. Mr. S.G. Munde, learned

counsel waives service of notice on behalf of respondents No. 1 to 4 - original claimants.

8. In addition to regular mode of service, the applicant-appellant to serve the notice to respondents No. 5, 6 and 8 privately by fastest mode as may be permissible in law and file affidavit of service of notice on record along with tangible proof before returnable date.

[K. K. SONAWANE]
JUDGE

mtk.