

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

**902 CIVIL APPLICATION NO. 16096 OF 2015
IN
FIRST APPEAL STAMP NO. 33365 OF 2015**

The New India Assurance Co. Ltd.
Through In-charge (lega Hub)
D.O. No.1 Adalat Road, Aurangabad
Versus
Sarjerao Ramchandra Badakh and others

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Advocate for applicant : Mr. Arun G. Kanade
Advocate for respondents -claimants: Mr. Shaikh Mazhar A
Jahagirdar
Advocate for respondent No. 4 : Mr. V.Y. Bhide

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CIVIL APPLICATION No. 16366 of 2015 in FIRST APPEAL ST. NO. 33434 OF 2015
CIVIL APPLICATION No. 16505 of 2015 in FIRST APPEAL ST. NO. 36116 OF 2015

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CORAM : K.K. SONAWANE, J.

DATED : 10TH OCTOBER, 2017.

Order :-

1. Heard learned counsel for the applicant-Insurance Company as well as for respondent-owner of offending vehicle and learned counsel for respondents-original claimants.
2. Perused the application. According to learned counsel for the applicant, the delay caused in filing the appeals against the impugned Award was not intentional or deliberate, but it caused due to official process. The matter pertains to motor accident claim arising from vehicular accident. Hence, he prayed to condone the delay.
3. Learned counsel for respondent- owner of the offending vehicle and original claimants has raised objection and submits that the delay has not been properly explained and the same may not be condoned. Both the learned counsel prayed for rejection of the applications.

4. Admittedly, the matter pertains to motor accident claim for compensation arising from the vehicular accident. The learned Tribunal after appreciating the facts and circumstances as well as evidence on record partly allowed the claim petitions filed by original claimants. Being dissatisfied with findings expressed by the learned Tribunal, the appellant-Insurance Company preferred the appeals. But, there is delay to file the appeals within stipulated period. It has been submitted that for the compliance of official process delay has been caused.

5. In view of the nature of subject-matter and reasons mentioned in the applications, I do not find any impediment to grant opportunity to the applicant-appellant to ventilate grievance in the Appellate Forum for its redressal. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the interest of justice. Hence, the applications for condonation of delay deserves to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals.

6. On registration of appeal, issue notice to respondents. Learned counsel for respective respondents waives service.

7. Call for record and proceedings from the learned Tribunal.

8. After compliance of procedural formalities list the matter for admission in due course.

9. The civil applications are allowed in above terms and stand disposed of.

Sd/-
[K. K. SONAWANE]
JUDGE