

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

41 CIVIL APPLICATION NO. 1456 OF 2017
IN FAST/36292/2016
WITH
CA/1457/2017 IN FAST/36292/2016

NATIONAL INSURANCE CO. THR MANAGER
VERSUS
DEVIDAS RAYSING JADHAV AND ORS

...

Advocate for Applicant : Mr. Boinwar h/f Mr. S. N. Pagare
Adv. For Respondent No. 4A to 4D : Mr. A.B. Jagtap, h/f
Mr. V.D. Sapkal

CORAM : K.K. SONAWANE, J.

DATED : 14th AUGUST, 2017.

Order :-

1. Heard learned counsel for applicant and learned counsel appearing for respondents No. 4-A to 4-D. Despite service of notice, none has caused appearance on behalf of respondents No.1 to 3.
2. The present application is filed seeking condonation of 26 days delay caused in preferring the first appeal against judgment and Award passed by the Member, MACT, Nandurbar in MACP No. 35 of 2010. According to learned counsel, the delay caused in preferring the appeal is not intentional or deliberate, but it caused due to unavoidable circumstances.
3. The learned counsel appearing on behalf of respondents No. 4-A to 4-D raised objection.
4. For the reasons stated in the application, I find it justifiable to extend one more opportunity to the applicant-appellant to ventilate the grievances in the Appellate Forum. Therefore, the application stands allowed in terms of prayer clause "B". The delay of 26 days caused in

preferring the first appeal against judgment and Award passed by the Member, MACT, Nandurbar in MACP No. 35 of 2010 is hereby condoned. Registry to take requisite steps for further process.

5. In the light of above, civil application for condonation of delay stands allowed in aforesaid terms and disposed of accordingly.

6. On registering the appeal, the same is ***admitted***.

7. Issue notice to respondents, returnable on 28-09-2017. Mr. Jagtap, learned counsel waives service for respondents No. 4-A to 4-D.

8. It has been contended that the applicant-appellant Insurance Company has already deposited amount of compensation awarded under the Award passed by learned Tribunal in this Court. Hence, no question for stay to the execution, operation and implementation of the impugned judgment and Award. Hence, application for stay deserves to be disposed. Accordingly, application for stay to the execution, operation and implementation of impugned Judgment and Award stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK