

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

940 CIVIL APPLICATION NO. 16337 OF 2016
IN FAST/36330/2016

UNITED INDIA INSURANCE CO. LTD.

VERSUS

MAHESH JAGATRAO BAGUL AND ANR

Advocate for Applicant : Mr. S.R.Bagal

Advocate for Respondent No. 1 : Mr. Girish Rane

CORAM : K.K. SONAWANE, J.

DATED : 8th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant and respondent. There is delay of 81 days in filing the first appeal against impugned judgment and Award dated 02-05-2016 passed by the Motor Accident Claims Tribunal, Amalner, District Jalgaon in MACP. No. 66 of 2013. The matter pertains to the compensation amount. According to learned counsel for the applicant, the delay caused in filing the appeal is not intentional or deliberate one but it was caused due to unavoidable circumstances. Therefore, he requested to condone the delay. Hence, he prayed to condone the delay.

2. Learned counsel for respondent raised objection and submits that the so called delay has not been properly explained by the applicant and he prayed for rejection of the application.

3. I have considered the submissions canvassed on behalf of both sides, I find that the matter pertains to compensation amount granted by the learned Tribunal in favour of respondent No. 1 original claimant. The appellant-Insurance Company intended to agitate the validity, propriety of the findings of learned Tribunal. But, there is delay in filing the appeal. At this juncture, I find it justifiable to afford an

reasonable opportunity to the applicant - Insurance Company to approach to the Appellate Forum for redressal of its grievance. It would not cause injustice or prejudice to the respondents. In contrast, it would sub-serve the purpose for substantial justice. Hence, in view of reason mentioned in the application the delay required to be condoned. Accordingly, application is allowed in terms of prayer clause "B". The delay caused in filing the appeal against the impugned award is hereby condoned. Registry to take requisite steps for further process. Civil Application stands disposed of.

2. On registration of appeal, issue notice to respondents returnable on 14th December, 2017. Mr. Rane waives service of notice for respondent No. 1.

3. In addition to regular mode, appellant, to serve the notice to respondent No. 2 privately by any legally acceptable mode and file affidavit of service of notice along with tangible proof by the returnable date.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK