

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

926 CIVIL APPLICATION NO. 300 OF 2017
IN FAST/38690/2016

HDFC ERGO GENERAL INSURANCE CO. LTD., BRANCH MANAGER
AURANGABAD AND ORS

VERSUS

DEORAM DHARMA THOMBRE AND ORS

...

Advocate for Applicants : Mr. M.A.Deshmukh
h/f. Mr.S.G. Chapalgaonkar.

Advocate for Respondent No.1 : Mr. R. B. Dhakane.

Advocate for Respondent No.4 : Mr. V.V.Kabade.

Advocate for Respondent No.5 : Mr. S.S.Rathi.

...

CORAM : K.K. SONAWANE, J.

DATED : 16TH AUGUST, 2017.

Order :-

Heard learned counsel for the applicant Insurance Company HDFC ERGO General Insurance Company Limited as well as learned counsel appearing for the respondents No. 2 and 3 original claimants and respondent No.4 owner of the offending vehicle. The learned counsel for respondent No.5 Insurance Company remained absent.

2. The learned counsel applicant-appellant H.D.F.C. ERGO Insurance Company Ltd. submits that, respondent No.3 is the owner of the offending vehicle involved in the accident. The notice was served upon him on the same address. He submits that, for decision of the application for condonation of delay, his

presence would not material and no monetary liability is imposed on him by the learned Tribunal while deciding the claim. The learned counsel submits that, the delay required to be condoned and prays for condonation of delay by allowing the application. The learned counsel for the respondent raised objection.

3. Considering the submissions advanced on behalf of respective learned counsel mentioned above, I find that, there is a delay of 85 days and same is required to be condoned for just and proper adjudication of the matter on merit. In view of reasons mentioned in the application, delay caused in presenting the appeal against the Judgment and Award passed by the learned Tribunal in Motor Accident Claim Petition No. 505 of 2010 is hereby condoned. The application stands allowed in terms of prayer clause 'B' thereof. Registry to take requisite steps for further process for registration of appeal.

Sd./-

[K. K. SONAWANE]
JUDGE

rrd.