

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.242 OF 2016
IN
FIRST APPEAL ST. 16461 OF 2015

The New India Assurance Co. Ltd. ... Applicant/Appellant
Vs.
Niral Ratibhai Patel & Ors. ... Respondents

Ms.Poonam Mittal for the Applicant / Appellant – Insurance Co.
Mr.R.S. Pawar for Respondent No.1

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: AUGUST 16, 2017

P.C.:

1. This Civil Application is filed for condonation of delay of 58 days in filing the appeal. The First Appeal is filed against the judgment and award dated 30.12.2014 passed by the learned Member, Motor Accident Claims Tribunal, Nasik, in MACP No.777/2010 thereby awarding compensation of Rs.1,68,750/-.

2. The learned Counsel for the appellant / applicant submitted that the Motor Accident Claims Tribunal has directed that the present appellant/insurance company shall pay 75% of the total amount of compensation and the other insurance company shall pay 25% of the compensation. The appellant has challenged the impugned

judgement and award by filing this appeal. However, there is a delay of 58 days in filing the appeal. She prayed for condonation of the delay of 58 days.

3. Learned Counsel for the respondent No.1 is present and has opposed the application.

4. For the reasons stated in paragraphs 3 to 5, the delay of 58 days is hereby condoned.

5. First Appeal be registered and listed for admission on 11.10.2017. Parties to take note that the First Appeal may be disposed of at the stage of admission, if possible. The advocate for the applicant to communicate the respondent/insurance company about the final hearing of the appeal on the next date.

6. Civil Application stands disposed of.

(MRIDULA BHATKAR, J.)