

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.6731 OF 2007
IN
FIRST APPEAL (ST) NO.29516 OF 2007**

The New India Assurance Co.Ltd. ..Applicant/Appellant

V/s.

Mrs.Aruna Shreekant Raut & Anr. ..Respondents

Mr.D.R. Mahadik for the Appellant/Applicant.

Mr.H.G. Khambete h/f Mr.A.M. Gokhale for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 24 JANUARY 2017.

P.C.

1. There is some negligence on the part of the appellant. However, negligence is not a such degree as to warrant the dismissal of application seeking condonation of delay of 211 days in instituting the appeal. It has to be noted that this is an appeal against award made by the MACT granting a sum of Rs.35,5000/- to the respondent claimant. Therefore, even though, the delay can be condoned. The same shall be subject to the payment of cost which are assessed at Rs.5000/-.

2. Accordingly, the Civil Application is allowed. The delay

in institution of the appeal is condoned. There shall be subject to payment of cost of Rs.5000/- within a period of four weeks from today. In any case, since, it is proposed to take up the appeal forthwith for final disposal, the cost in this Civil Application shall be the cost in the Appeal.

(M. S. SONAK, J.)