

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

CIVIL APPLICATION NO. 2582 OF 2014
IN FAST/5371/2014

THE ORIENTAL INSURANCE CO. LTD.
VERSUS
ANSABAI BABURAO WAGHMARE AND OTHERS

...
Advocate for Applicant : Mr. A. G. Kanade.
Advocate for Respondents No.1 to 7 : Mr. G. J. Pahilwan h/f. -
Mr. R. V. Gore.
Advocate for Respondents No.8, 9 : Mr. V. M. Mane.
...

CORAM : K.K. SONAWANE, J.

DATED : 10TH JANUARY, 2018.

Order :-

Mr. V. M. Mane, learned counsel submits that he has an instruction to appear on behalf of respondents No. 8 and 9 and he will file vakalatnama during the course of day. Registry to accept the vakalatnama. Hence, service complete.

2. Heard learned counsel for applicant- Insurance Company and respective respondents.

3. Perused the application. This is an application for condonation of delay of 9 days caused for filing First Appeal against the impugned Judgment and Award passed by the learned Member of Motor Accident Claims Tribunal, Jalna, in Motor Accident Claim Petition No. 100 of 2011 dated 23-10-2013.

4. According to learned counsel for applicant, so-called delay is not intentional or deliberate, but it was caused due to unavoidable circumstances. The matter pertains to the compensation under Section 166 of the Motor Vehicles Act, 1988, arising from the vehicular accident. Hence, he prayed to condone the delay.

5. In view of aforesaid submission and attending circumstances, it would be justifiable to provide one more opportunity to the applicant to ventilate its grievance before the Appellate Forum for redressal. In case, delay is not condoned, it would cause injustice or prejudice to the applicant- Insurance Company. Therefore, considering the reasons mentioned in the application, there is no impediment to condone the delay in the interest of justice, by adopting liberal and pragmatic approach. Hence, application stands allowed in terms of prayer clause (B). The delay of nine (9) days caused for filing First Appeal against impugned Judgment and Order passed by the learned Member, Motor Accident Claims Tribunal, Jalna, in Motor Accident Claim Petition No. 100 of 2011 dated 23-10-2013, is hereby condoned. Registry to take requisite steps for further process.

6. On registration of appeal, issue notice for admission of the appeal to the respondents.

6. Mr. G. J. Pahilwan h/f. Mr. R. V. Gore, learned counsel waives service of notice for respondents No.1 to 7. Mr. V. M. mane, learned counsel waives service of notice for respondents No. 8 and 9.

7. After compliance of procedural formalities, list the matter for admission accompanied with First Appeal No. 431 of 2014 in due course.

[K. K. SONAWANE]
JUDGE

rrd.