

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

CIVIL APPLICATION NO. 3713 OF 2015
IN FAST/7057/2015

NEW INDIA ASSURANCE COMPANY LTD., THR ITS
AUTHORIZED SIGNATORY AURANGABAD AND ORS
VERSUS
SANDESH MADHAV TILEKAR THR G.P.A. MADHAV S TILEKAR

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Advocate for Applicant : Mr. S. G. Chapalgoankar
Advocate for Respondent No.1 : Mr. A.V. Hon

CORAM : A.M. DHAVAL, J.

DATE: 31st JULY, 2018

PER COURT:-

1. Heard learned Advocate Shri. A.V. Hon for the respondent No.1 and learned Advocate Shri. Chapalgaonkar for the applicant. It is seriously disputed that the original claimant was duly ensured with the present applicant. The learned advocate Shri.Chapalgaonkar has pointed out that there are specifically denial of the insurance. The judgment is silent about the insurance for fixing the joint and several liability on the owner and insurer. If there was no insurance and still, the insurance company is made to pay the claim amount of Rs. 16,10,000/- there will be travesty of justice.

There is delay of 168 days in preferring the appeal. The applicant has blamed his advocate for not filing application for certified copy for six months. The delay is partly explained on the ground of slow moving of files and time required for verification of the insurance policy, which could not be traced. Considering the grounds given, the delay is condoned subject to the costs of Rs. 5,000/-.

2. The application for withdrawal of the amount will be decided after going through the record and proceedings.
3. Call record and proceedings.
4. Appeal be admitted.
5. Advocate Shri. Hon waives notice for respondent No.1.
6. Issue notices to the other respondents, returnable on 10th August, 2018.

(A.M.DHAVAL, J)

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