

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

949 CIVIL APPLICATION NO. 5204 OF 2018
IN FAST/9212/2018

HDFC ERGO GENERAL INSURANCE CO. LTD. THR ITS MANAGER
VERSUS
VIJAYMALA MUNJAJI KARHALE AND ORS

...
Advocate for Applicant : Mr. M.A. Deshmukh h/f Mr. S.G.
Advocate for Respondents No.1 to 3 : Mr. M.P. Kale
...

CORAM : K.K. SONAWANE, J.

DATED : 6th JULY, 2018.

Order :-

1. Mr. Kale, learned counsel submits that he has instructions to appear on behalf of respondents No. 1 to 3 and undertakes to file the *vakalatnama* on their behalf in the Registry during the course of day.
2. Heard learned counsel for the applicant- Insurance Company and respondents No. 1 to 3 -original claimants. Despite service, no one else appeared on behalf of respondent No. 4. Perused the application.
3. Present application is moved by the applicant - Insurance Company for condonation of (225) days delay caused in filing the first appeal against the impugned judgment and award passed by the learned Chairman, Motor Accident Claims Tribunal, Parbhani, in MACP No. 443 of 2011.
4. The learned counsel for applicant submits that the delay caused in filing the first appeal is not intentional or deliberate but it caused due to compliance of official process.
5. The learned counsel for respondents No. 1 to 3 raised objection and submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and

prayed for rejection of application.

6. In view of the submissions advanced by both sides and nature of subject-matter as well as reasons stated in the application, there is no impediment to condone the delay for substantial justice. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the purpose. Hence, application deserves to be allowed.

7. Accordingly, civil application stands allowed in terms of prayer clause "B". The delay caused in filing the first appeal against the impugned judgment and award passed by the learned Chairman, Motor Accident Claims Tribunal, Parbhani, is hereby condoned. The Registry to take requisite steps for further process. The civil application stands disposed of.

8. On registration of appeal, issue notice to respondents, returnable on 2nd August, 2018. Mr. Kale, learned counsel waives service of notice on behalf of respondents No.1 to 3.

9. Meanwhile, call for record and proceedings.

[K. K. SONAWANE]
JUDGE

MTK