

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

**968 CIVIL APPLICATION NO.8289 OF 2018
IN FAST/16824/2018**

HDFC ERGO GENERAL INSURANCE CO.
LTD., THR ITS DIVISIONAL OFFICE
AURANGABAD

..Applicant

VERSUS

SANGITA BHAGWAT SAWARE AND ORS

..Respondents

...

Advocate for Applicant : Shri S.G. Chapalgaonkar;
Respondents No.1 & 2 – Served.

...

CORAM : PR. BORA, J.

Dated: September 05, 2018

PER COURT :

1. Heard Shri Chapalgaonkar, the learned Counsel appearing for the appellant – applicant. Delay of 335 days has occurred in filing the present appeal. The learned Counsel submitted that, the appellant – Insurance Company is compelled to challenge the order passed under Section 140 of the Motor Vehicles Act for the reason that, the insurance policy as is relied upon in the claim petition filed by the claimants is noticed to be fake. The learned Counsel further submitted that, a fraud seems to have been played and there were several such matters detected in the investigation carried out by the appellant –

Insurance Company as well as the other Insurance Companies. The learned Counsel submitted that, since the investigation was going on, the appeal was not filed and after having secured the concrete knowledge about the fake policy, the appeal has been preferred.

2. I am convinced that, the reasonable grounds are made out by the applicant for condoning the delay. Hence the following order.

ORDER

(i) The delay of 335 days caused in filing the First Appeal is condoned. The appeal be registered in accordance with law. Civil Application stands disposed of.

(ii) On registration of the appeal, issue notice to the respondents returnable after four weeks.

(**PR. BORA, J.**)

...