

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 1000 OF 2018 IN
FIRST APPEAL ST. NO. 31606 OF 2017

Meenabai Dharmraj Digole
& others

Applicants

Versus

The Oriental Insurance Co. Ltd.

Respondent

Mr. R.B. Dhakane, advocate for applicants
Mr. D.P. Deshpande, advocate for respondent.

CORAM : M.S. SONAK, J.
DATE : 24th JANUARY, 2018

PER COURT:

This Civil Application is disposed of by permitting applicants no.1 to 5 to withdraw 50% of the deposited amount by furnishing an undertaking that such withdrawal shall abide by final orders in the appeal.

Civil Application is disposed of.

(M.S. SONAK)
JUDGE

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 12209 OF 2017 IN
FIRST APPEAL ST. NO. 31606 OF 2017

The Oriental Insurance Co. Ltd.

Applicant

Versus

Meenabai Dharmaraj Dighole
& others

Respondents

Mr. D.P. Deshpande, advocate for applicant.

Mr. R.B. Dhakane, advocate for respondents 1 to 6.

CORAM : M.S. SONAK, J.

DATE : 24th JANUARY, 2018

PER COURT:

This is an application for condonation of delay of 246 days in instituting the appeal.

In the application, there is disclosure that the applicant had applied for correction of the impugned award, since, there were calculation mistakes. It is also stated that during pendency of the application for correction, a proposal was forwarded to the Regional Office to consider whether award requires to be appealed. Since, decision was taken to institute an appeal by the Regional Office, there was delay of about 246 days.

Learned Counsel for the applicant submits that the issue involved is about involvement of the vehicle. He submits that delay was neither intentional nor deliberate.

Learned Counsel for respondents-claimants opposes condonation of delay. He submits that the cause shown in the Civil Application does not constitute sufficient cause. He submits that having filed M.A.R.J.I. Application, the applicant could not have waited for its disposal and instituted appeal. He submits that since there is no sufficient cause shown, the application for condonation of delay, itself, should be dismissed.

Upon considering the rival submissions, it is true that delay could have better explained by providing greater details. However, there is no doubt that M.A.R.J.I. Application was pending and during pendency of such application, the proposal for appeal was moved. The delay is also not inordinate. The explanation, therefore, discloses sufficient cause. At the highest, some costs can be awarded in favour of respondents-claimants.

Accordingly, delay of 246 days in institution of this appeal is condoned subject to applicant-appellant paying costs of Rs.5000/- (Rs.Five Thousand) to the respondents-claimants. Such costs to be paid within four weeks from today.

Civil Application is disposed of.

(M.S. SONAK)
JUDGE

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL ST. NO. 31606 2017

The Oriental Insurance Co. Ltd.

Appellant

Versus

Meenabai Dharmaraj Dighole
& others

Respondents

Mr. D.P. Deshpande, advocate for appellant.

Mr. R.B. Dhakane, advocate for respondents no.1 to 6.

Mr. P.S.Pawar, advocate for Respondent No.7.

CORAM : M.S. SONAK, J.

DATE : 24th JANUARY, 2018

PER COURT:

Heard.

Admit. Expedite.

Mr.Dhakane, advocate waives service of notice on behalf of respondents no.1 to 6. Mr.P.S.Pawar, advocate waives service of notice on behalf of respondent no.7.

(M.S. SONAK)
JUDGE