

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO. 15120/2017 IN FAST/35955/2017
NEW INDIA INSURANCE CO. LTD., THR ITS DIV. MANAGER, AURANGABAD AND
ANR
VERSUS

BALASAHEB DHONDIRAM GHODKE AND ORS

Advocate for Applicants : Mr. S.G. Chapalgaonkar
Adv. for Respondent 1 : S.R. Shirsat.

CORAM : K.K. SONAWANE, J.
DATE : 8th JUNE , 2018.

PER COURT:

1] Heard learned counsel Mr. Chapalgaonkar for the applicant and Mr. Shirsat learned counsel for respondent Nos.1 to 4.

2] This is an application for condonation of 26 day's delay caused for filing First Appeal against the impugned Judgment and Award passed by the learned Motor Accident Claims Tribunal in Motor Accident Claim Petition No. 82 of 2015.

3] According to learned counsel for applicant, the so called delay caused for filing first appeal is not intentional or deliberate, but it was caused due to unavoidable circumstances. The matter pertains to the compensation. It has been submitted that, in case delay is not condoned, it will cause injustice and prejudice to the applicant. Therefore, he prayed to condone the delay.

4] Learned counsel for the respondents raised objection and submits that the delay has not been properly explained.

5] In view of the reasons mentioned in application, I do not find any impediment to condone the delay. Hence, application stands allowed in terms of prayer clause (B). The delay of 26 days caused for filing First

Appeal against impugned Judgment and Order passed by the learned Tribunal in Motor Accident Claim Petition No. 82 of 2015 is hereby condoned. Registry to take requisite steps for further process.

6. On registration of appeal, issue notice to the respondents. Mr. Shirsat, Advocate waives notice for respondent Nos.1 to 4. Call for record and proceedings from the concerned Tribunal. After receipt of R. & P. list the matter for admission in due course.

[K.K. SONAWANE]
JUDGE.

grt/-