

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 244 OF 2017

IN

STAMP NUMBER MAIN NO. 794 OF 2017

THE NEW INDIA ASSURANCE CO. LTD., ... Applicant

Versus

BHARAT KESHAV BAGALE AND 9 ORS., ... Respondents

Shri Amey Jagdish Sinai Kakodkar, Advocate for the Applicant.
Shri Dinesh Naik, Advocate for the Respondent Nos.1 and 2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 6th June 2018

P.C.

Heard Shri Amey Sinai Kakodkar, learned Advocate for the applicant and Shri Dinesh Naik, learned Advocate for the respondent nos.1 and 2.

2. It is the case of the applicant as canvassed by Shri Kakodkar, learned Advocate for the applicant, that though the impugned Judgment and Award was passed by the learned MACT on 27.09.2016, however the same came to be received on behalf of the applicants only on 07.12.2018 when it was forwarded by the learned Advocate on record. Thereafter, considerable time was spent in administrative wrangles and in view thereof, there was a delay of 65 days in filing the appeal which may be condoned. The application was duly supported by an affidavit of the

Divisional Manager of the applicant reiterating the contents on oath.

3. It has been the contention of Shri Naik, learned Advocate for the respondent nos.1 and 2, that there was no negligence on the part of the Advocate of respondents in signing the Award under consideration and that the applicant has not duly accounted for the delay in filing the appeal.

4. i have duly considered the submissions of the learned Advocates for and against the delay in filing the appeal. It appears that there was some sort of miscommunication between the learned Advocate appearing for the applicant at the trial stage and in communicating the impugned Award to them which primarily contributed to the delay in filing the appeal apart from their internal administrative drawbacks of processing the same for preferring the appeal. Considering these aspects of the matter, the applicant has sufficiently accounted for the delay and in view thereof the delay is condoned. The application is allowed subject to the payment of cost of Rs.2000/- to the respondent nos.1 and 2.

5. In view thereof, the application stands disposed off. Registry to register the appeal.

NUTAN D. SARDESSAI, J.