

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 553 OF 2018
IN
FIRST APPEAL STAMP NO. 2047 OF 2018**

National Insurance Company Limited ... Applicant
Versus
Sarjerao Krishnat Mane and another ... Respondents

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Mr. P. A. Narayanan for Applicant.
Mr. Sudhakar G. Thorat for Respondent No.1.

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CORAM : K. K. SONAWANE, J.

DATE : 13th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicant-insurance company and learned Counsel for respondent No.1.
2. Notice to respondent No.2 has already been served by affixing the same on his door as per the bailiff's report filed on record. Despite service of notice, no one else appeared on behalf of respondent No.2.
3. The applicant-insurance company moved the present application for condonation of 108 days delay in presenting appeal against the judgment and award passed by the M.A.C.T. Kolhapur in claim Petition No. 387 of 2011. Learned Counsel for the applicant-insurance company submits that the so called delay caused due to compliance of official process. The delay was not

intentional or deliberate, but caused due to unavoidable circumstances. Learned Counsel requested to condone the delay.

4. Learned Counsel for respondent No.1-original claimant did not raised serious objection to condone the delay. He submits that the suitable order may be passed in the interest of justice.

5. For the reasons mentioned in the application and nature of the subject matter, there is no impediment to grant reasonable opportunity to the applicant-insurance company to approach to the appellate forum to get redress its grievances. It would not cause any injustice to the respondents. In context, it would subserve the purpose in the interest of justice. Hence, application deserves to be allowed.

6. Accordingly, civil application stands allowed in terms of prayer clause (a). The delay caused for filing appeal against the impugned judgment and award passed by the Member, M.A.C.T. Kolhapur in Claim Petition No. 387 of 2011 is hereby condoned. Registry to take requisite steps for further process.

7. Accordingly, civil application stands disposed of in above terms.

8. On registration of appeal, issue notice to the respondents, returnable on 18th September, 2018. Mr. Thorat, learned Counsel waives notice on behalf of respondent No.1.

(K. K. SONAWANE, J.)