

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

**CIVIL APPLICATION NO. 2753 OF 2014  
WITH  
FIRST APPEAL (ST.) NO. 14778 OF 2014**

Asha Popat Sakat & Ors. ... Applicants/Appellants  
V/s.  
New India Assurance Co. Ltd. & Anr. ... Respondents

Mr. Vasant Kadam i/b Mr. Y.P. Narvankar for the Applicants/Appellants.  
Mr. S.M. Dange for Respondent No.1.

**CORAM : K.K. SONAWANE, J.**

**DATE : 25<sup>th</sup> JULY, 2018.**

**P.C. :**

1 Heard learned Counsel for the Applicants/Appellants and the learned Counsel for the Respondent-Assurance Company. Despite service of notice, no one else appeared on behalf of Respondent No.2 owner of the offending vehicle. The present Application is filed to condone the delay of 309 days in filing the First Appeal against the impugned judgment and award passed by the M.A.C.T. Karad, District Satara in M.A.C.P. No.219 of 2009.

2 Learned Counsel for the Applicants/Appellants submits that the delay caused for filing the First Appeal is not intentional and deliberate but caused due to unavoidable circumstances. The Applicants/Appellants are widow and the children of the deceased Popat Sakat, who died in vehicular

accident. He requested to condone the delay. Learned Counsel for the Respondent-Assurance Company fairly submits to pass suitable order in the interest of justice. As referred above, Respondent No.2 owner of the offending vehicle remained absent. In such circumstances, no opportunity received for hearing on his behalf into the matter.

3           Taking into consideration the nature of the subject matter and the reasons mentioned in the Application, there is no impediment to condone the delay to present an appeal against the impugned judgment and award passed by the learned Tribunal. Definitely it would sub-serve the purpose for substantial justice into the matter. Hence, Application deserves to be allowed. Accordingly, the Application stands allowed in terms of prayer clause (a). Delay cause for presenting an Appeal against impugned judgment and award passed by the learned Tribunal in M.A.C.P. No.219 of 2009 is hereby condoned. Registry to take requisite steps for further process.

4           On registration of Appeal, issue notice of admission to Respondents. Learned Counsel Mr. S.M. Dange waives service of notice for Respondent No.1. Issue notice to Respondent No.2 returnable on 21.08.2018.

**(K.K. SONAWANE, J.)**