

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

**CIVIL APPLICATION NO. 2808 OF 2017
IN
FIRST APPEAL STAMP NO. 15513 OF 2017**

Reliance General Insurance Co. Ltd. ... Applicant
Versus
Sarita Vipinkumar Pandey and others ... Respondents
.....
Ms Poonam Mital for Applicant.
Ms Rina Kundu for Respondents No. 1 to 3.
.....

CORAM : K. K. SONAWANE, J.

DATE : 13th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicant-insurance company and learned Counsel for respondents-original claimants No. 1 to 3. Despite service of notice, no one else appeared on behalf of respondents No. 4 and 5.

2. The present application has been filed on behalf of appellant-insurance company for condonation of 22 days delay in presenting appeal against the impugned judgment and award passed by the M.A.C.T. Thane in M.A.C.P. No. 251 of 2009. Learned Counsel for the applicant-insurance company submits that the delay caused for filing the appeal is not intentional or deliberate but due to compliance of procedural formalities. Learned Counsel requested to condone the delay.

3. In view of reasons mentioned in the application and nature of the subject matter, there is no impediment to condone delay by allowing a reasonable opportunity to the applicant-insurance company to approach the appellate forum for redressal. Hence, civil application deserves to be allowed.

4. Accordingly, civil application stands allowed. Delay caused for presenting appeal against the judgment and award passed by the Member, M.A.C.T. Thane in M.A.C.P. No. 251 of 2009 is hereby condoned. Registry to take requisite steps for further process.

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

6. On registration of appeal, issue notice of admission to the respondents, returnable on 17th September, 2018. Ms Rina Kundu, learned Counsel waives notice on behalf of respondents No. 1 to 3-original claimants.

7. In addition to the regular mode of service, appellants shall serve respondents No. 4 and 5 privately by legally acceptable fastest mode and file affidavit of service with its tangible proof.

(K. K. SONAWANE, J.)