

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

**CIVIL APPLICATION NO. 3573 OF 2017
IN
FIRST APPEAL STAMP NO. 23617 OF 2017**

The New India Assurance Co. Ltd. ... Applicant
Versus
Dipti Bharat Shah and others ... Respondents

.....

Ms. Poonam Mital for Appellant.
Mr. Anil P. Chavan a/w Sarang S. Karbhajan i/b Mr. A. M.
Gokhale for Respondents No. 1 and 2.

.....

CORAM : K. K. SONAWANE, J.

DATE : 27th JULY, 2018.

P. C.:

1. Heard learned Counsel for applicant-insurance company and learned Counsel for respondents No. 1 and 2.
2. Despite service, no one else appeared on behalf of respondent No.3 – owner of the offending vehicle.
3. The present application is filed for condonation of 53 days delay for filing appeal against judgment and award passed by the Member, M.A.C.T. Mumbai in M.A.C.P. No. 2540 of 2008.

4. Learned Counsel for the applicant-insurance company submits that the delay caused for filing the present appeal is not intentional and deliberate one, but caused due to compliance of office process. Learned Counsel requested to condone the delay.

5. Learned Counsel for the respondents-original claimants raised objection and submits that the delay has not been properly explained and therefore, the same may not be condoned.

6. In view of nature of the subject matter and the reasons mentioned in the application, there is no impediment to condone the delay for substantial justice. It is settled principle of law that the Court shall adopt liberal and pragmatic approach while dealing with such applications for condonation of delay. In view of aforesaid circumstances, I find that the delay should be condoned in the interest of justice.

7. Accordingly, civil application stands allowed in terms of prayer clause (a). Delay caused for filing present First Appeal is hereby condoned. Registry to take requisite steps for further process.

8. Civil application stands disposed of accordingly. No order as to costs.

9. On registration of appeal, issue notice of admission of appeal to the respondents, returnable on 30th August, 2018. Mr. Chavan, learned Counsel waives service on behalf of respondents No. 1 and 2.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

Digitally signed by
Shridhar Marutirao
Sutar
Date: 2018.08.02
10:35:11 +0530