

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

**CIVIL APPLICATION NO. 3169 OF 2017
WITH
FIRST APPEAL (ST.) NO. 28175 OF 2017**

Iffco Tokio General Insurance Co. Ltd. ... Appellant/Applicant
V/s.
Indumati Ashok Sannake & Ors. ... Respondents

Ms. Varsha Chavan for the Appellant/Applicant.
Mr. T.S. Ingale for Respondent Nos.1 to 5.
Mr. Balwant V. Salunkhe for Respondent Nos.6 and 7.

CORAM : K.K. SONAWANE, J.

DATE : 14th AUGUST, 2018.

P.C. :

1 Heard the learned Counsel for the Appellant-Insurance Company and the learned counsel for the respondent Nos.1 to 5-original claimants and Nos.6 and 7 –owner and driver of the offending vehicle. The appellant-Insurance Company seeking condonation of 268 days delay in filing an appeal against the impugned judgment and award passed by the M.A.C.T. Sangli in M.A.C.P. No.137 of 2014. The learned Counsel for the appellant-Insurance Company submits that the alleged delay caused for presenting an appeal is not intentional and deliberate but caused due to the compliance of

official process for Court proceeding. The learned Counsel requested to condone the delay. The learned Counsel for the respondents raised an objection and submit that the delay has not been properly explained and, therefore, same may not be condoned.

2 Having given anxious consideration to the argument advanced on behalf of both sides, I find that the reasonable opportunity is required to be given to the appellant-Insurance Company to approach to the appellate forum to get redress its grievance against impugned judgment and award passed by the M.A.C.T. It is settled principle of law that the Court should adopt liberal and pragmatic approach while dealing with the application for condonation of delay by avoiding pedantic approach.

3 In view of nature of the subject matter and the reasons mentioned in the application, there is no impediment to condone the delay. Hence, application stands allowed in terms of prayer clause (a). The delay caused for presenting an appeal against impugned judgment and award passed by the M.A.C.T. Sangli in M.A.C.P. No.137 of 2014 is hereby condoned.

4 The Registry to take requisite step for further process. Accordingly, the Civil Application stands disposed of in above terms.

5 On registration of appeal, issue notice of admission of the appeal to the respondent, returnable on 18.09.2018. Learned Counsel Mr. Ingale waives service of notice for respondent Nos.1 to 5-original claimants. Learned Counsel Mr. Salunkhe waives service of notice for Respondent Nos.6 and 7-owner and driver of the offending vehicle.

6 Call record and proceeding from the concerned Tribunal. After compliance of procedure for presenting the appeal for further process on 18.09.2018.

(K.K. SONAWANE, J.)

Waishali
Sushil
Waghmare

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by Waishali
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