

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

**CIVIL APPLICATION NO. 4735 OF 2016
IN
FIRST APPEAL STAMP NO. 30385 OF 2016**

Shriram General Insurance Company Ltd. ... Applicant

Versus

Vaijanta Bhagwan Shelar and others ... Respondents

.....

Mr. Nikhil Mehta i/b KMC legal venture for applicant.

Mr. R. V. Sankpal for Respondents No. 1 to 3.

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CORAM : K. K. SONAWANE, J.

DATE : 8th AUGUST, 2018.

P. C.:

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

2. The applicant-insurance company has preferred the present application for condonation of 177 days delay in presenting appeal against the impugned judgment and award dated 30th December, 2015 passed by the Member, M.A.C.T. Satara in M.A.C.P. No. 275 of 2012. Learned Counsel for the applicant-

insurance company submits that delay caused for filing appeal is not intentional and deliberate, but caused due to official process. The matter pertains to the compensation under the Motor Vehicles Act, 1988 and therefore, learned Counsel for the applicant requested to condone the delay.

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

4. In view of reasons mentioned in the application and nature of the subject matter, I find that reasonable opportunity is required to be given to the applicant-insurance company to approach the appellate forum for redressal of its grievances. It is settled principle of law that while dealing with application for condonation of delay, the Court should adopt liberal and pragmatic approach by avoiding pedantic approach. Therefore, there is no impediment to condone the delay, to give reasonable opportunity to the applicant-insurance company to redress its grievances before the appellate forum. Therefore, application deserves to be allowed.

5. Accordingly, civil application is allowed. Delay caused for filing the present appeal against the impugned judgment and order passed by the Member, M.A.C.T. Satara in M.A.C.P. No. 275 of 2012 is hereby condoned. Registry to take appropriate steps for further process.

6. Accordingly, civil application is disposed of in above terms.

7. On registration of appeal, issue notice of admission of appeal to the respondents, returnable on 12th September, 2018. Mr. Sankpal, learned Counsel waives notice on behalf of respondents No. 1 to 3-original claimants. In the meantime, call for record and proceedings from the concerned Tribunal.

(K. K. SONAWANE, J.)

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