

Sarnobat

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

**CIVIL APPLICATION NO.1341 of 2015
ALONGWITH
CIVIL APPLICATION NO.4621 OF 2016
IN
FIRST APPEAL (STAMP) NO.34752 OF 2014**

The Oriental Insurance Co. Ltd. ..Applicant
Vs.
Shaila Balu @ Balkrushna Mane & Ors. ..Respondents.

Mr.Sudeep Jinsiwale for the Applicant in CAF No.1341/2015 and for respondent in CAF No.4621/2016.

Mr. Kalpesh Patil I/by Mr.Vikas Kolekar for respondent Nos.1 to 3 in CAF No.1341/2015 and for the applicant in CAF No.4621/2016.

CORAM : V.M. DESHPANDE, J.

DATE : 19th JUNE, 2018.

P. C. :

1. This is an application under Section 5 of Limitation Act for condonation of delay for preferring the appeal challenging the judgment dated 10th September, 2014 passed by learned Commissioner for Employee's Compensation, Sangli in application W.C.No.23/B-2/2012.
2. The delay is of 44 days. Heard Shri Sudeep Jinsiwale for the appellant and Shri Kalpesh Patil for non-applicant No. 1 to 3.
3. In this matter respondent No.4 though served, is not appearing. Respondent No.5 is not yet served. According to the

(11) caf-1341-15

learned counsel for appellant and the learned counsel for the claimant/
non-applicant No. 1 to 3, the respondent No. 5 is a driver of the
offending vehicle. In that view of the matter for the decision of the
application for condition, the presence of driver is not necessary.
Though the application is vehemently opposed by learned counsel Shri
Kalpesh Patil for the claimant, for the reasons stated in the application,
the application is allowed. The delay of 44 days for lodging the appeal
is condoned. Registry is directed to register the appeal.

[V.M. DESHPANDE, J.]