

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

943. CIVIL APPLICATION NO.6428 OF 2017
IN
FAST/15684/2017
WITH CA/1290/2019 IN FAST/15684/2017

NATIONAL INSURANCE CO. LTD, THROUGH ITS AUTHORIZED
OFFICIAL, AURANGABAD
VERSUS
TANAJI SITARAM SATHE AND OTHERS

Mr. A.S. Usmanpurkar, Advocate for Applicant
Mr. R.V. Naiknaware, Advocate for respondents No.1 and 2
Mr. A.B. Gatne, Advocate for respondent No.5

CORAM : V.L. ACHLIYA, J.

DATE : 28th March, 2019

PER COURT :

1. The applicant-appellant has moved this application for condonation of 130 days' delay caused in filing appeal against the judgment and order dated 23rd August 2017 passed by the Member, Motor Accident Claims Tribunal, Aurangabad.
2. Heard learned Counsel for the applicant and the respondents-claimants.

3. In brief, it is the contention of the appellant that the delay caused in filing the appeal was not deliberate but caused due to time spent in securing sanction of superior authority to file appeal. It is submitted that the matter was referred to the committee at Regional Headquarter at Pune. Initially, the Regional Office was at Solapur. Due to change in shifting of office, the delay was caused in taking decision in the matter by the committee constituted to scrutinize the proposal. Learned counsel submits that the appellant is having good case to succeed in appeal.

4. On the other hand, the learned Counsel for the respondents-claimants opposed the application with the contention that the cause assigned is not sufficient to condone delay and same is by way of after thought.

5. Considering the submissions advanced in the light of pleadings made in the petition seeking condonation of delay remain unchallenged and uncontroverted, I am of the view that delay deserves to be condoned. No serious prejudice would cause to the respondents-claimants if delay is condoned as ultimately the case will be decided on merits. However, if delay is not condoned, there is every likelihood that serious prejudice may result to the applicant and

meritorious matter may be rejected for technical reasons. I am, therefore, inclined to allow the application. Accordingly the application is allowed. Delay is condoned. Appeal be registered and place for Admission.

6. Parties are put to notice that the appeal may be heard finally at the stage of Admission.

7. Civil Application No. 6428 of 2017 stands disposed of in above terms.

8. Stand over to 30th April 2019.

(V.L. ACHLIYA)
JUDGE

Madkar