

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

**CIVIL APPLICATION NO.13419 OF 2018
IN FAST/30174/2018**

**CHOLAMANDALAM GENERAL INSURANCE CO. LTD., THR ITS
MANAGER AND ORS
VERSUS
NEETA ASHOK DHOTRE AND ORS**

...
Advocate for Applicant : Shri A. G. Choudhari
Advocate for Respondent Nos. 1 to 3 : Shri Ravindra Vitthal Gore

...
CORAM : P.R. BORA, J.
Date: January 14, 2019

...
PER COURT :-

1 The Insurance Company has challenged the impugned Judgment and award only on quantum of compensation. In the circumstances, the service of notice to the owner and driver of the insured vehicle may not be mandatory. The service to the said respondents is therefore exempted. The claimants are already served.

2 Heard learned Counsel appearing for the applicant and learned Counsel appearing for the respondents - claimants. Delay of 236 days has occurred in filing the appeal by the appellant Insurance Company. The reasons are explained in paragraph Nos.3 and 4 of the application.

3 The learned Counsel for the respondents - claimants

though opposed for condoning the delay stating that the reasons as are assigned are insufficient to condone the delay, after having gone through the contents of the applications, I am of the view that the delay has been sufficiently explained. I am, therefore, inclined to allow the application. Hence, the following order:-

ORDER

- I) The application is allowed and disposed of.
- II) Delay of 236 days caused in filing the appeal is condoned.
- III) Appeal be registered in accordance with law.
- IV) After registration of appeal, issue notice to the respondents. Shri R.V.Gore, learned Counsel waives service of notice for respondent Nos.1 to 3 i.e. original claimants. Service to respondent Nos.4 and 5 is exempted. Service complete.
- V) List the appeal for further consideration on 25.02.2019.
- VI) Record and Proceedings be called.

(P.R. BORA, J.)