

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2040 OF 2019
IN
FIRST APPEAL (ST) No. 5941 OF 2019

The United India Insurance Co. Ltd. ...Applicant
Vs.
Mr. Rafiq Abdul Shaikh and Anr. ...Respondents

Mr. S.S. Jinsiwale for the Applicant

CORAM: K.K. TATED, J.

DATED : JUNE 19, 2019

P.C. :

1. Heard learned counsel Mr. S.S. Jinsiwale for the Applicant.
2. By this Civil Application, the Applicant Insurance Company is seeking condonation of 1 year and 14 days' delay in filing the First Appeal, challenging the order dated 13th November, 2017 passed by the Motor Accident Claim Tribunal, Mumbai below Exhibit -2 in M.A.C.P. No. 1176 of 2016 on application filed by the respondents /Original Claimants under Section 140 of the Motor Vehicles Act.
3. Considering the submission made by the learned counsel for the Applicant and the averments made in the civil application, I am satisfied that the Applicant has made out a case for following order, but at the same time they have to pay costs of Rs.2,500/-.
4. Hence, following order:
 - (a) Rule.
 - (b) Rule made returnable on 6th September, 2019.

- (c) In addition to usual mode of service, Applicant is permitted to serve Respondents along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect on or before 31st August, 2019.
- (d) Applicant to pay costs of Rs.2,500/-
- (e) Cost to be deposited in Kirtikar Law Library, 1st Floor, High Court, Mumbai on or before 19th July, 2019 and place on record a receipt to that effect, failing which civil application shall stand dismissed without further referring back to the Court.

(K. K. TATED, J.)