

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 2811 OF 2017
IN
FIRST APPEAL (STAMP) NO. 8030 OF 2017**

The Oriental Insurance Co. Ltd. ... Applicant

V/s.

Shri Eknath Zimaji Khambe & Anr. ... Respondents

Ms. Poonam Mittal, Advocate for Applicant.

Mr. T. J. Mendon, Advocate for Respondent No.1.

CORAM : K. K. TATED, J.

DATED : 11th OCTOBER, 2019

P.C. :

1. Heard Learned Counsel for the parties.
2. By this Civil Application, applicant/insurance company is seeking condonation of 313 days delay in filing the First Appeal challenging the Judgment and Award dated 9th December, 2015 passed by the Motor Accident Claims Tribunal, Mumbai in Claim Application No. 292 of 2008.
3. Those respondents are duly served, there is no affidavit in reply.

4. The Learned Counsel Mr. T. J. Mendon appearing on behalf of respondents/original claimants submits that there is no explanation in the entire Civil Application for condonation of 313 days delay. Hence, Civil Application required to be dismissed with no costs.

5. Considering the submissions made by the learned Counsel for applicant and averments made in Civil Application, I satisfy that, applicant has made out case for allowing this Civil Application. Hence, following order.

- a) Delay in filing the First appeal is condoned.
- b) Civil Application stands disposed of accordingly.
- c) No order as to costs.

(K.K.TATED, J.)