

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

**CIVIL APPLICATION NO. 12 OF 2016
IN
FIRST APPEAL (ST.) NO. 9421 OF 2015**

The Divisional Manager,
New India Assurance Co. Ltd.

..... Applicant.

Vs.

Sarika Kamlakar Gaikwad & Ors.

..... Respondents.

.....

S. S. Dwivedi for the Applicant.

S. R. Morey I/b V. S. Talkute for Respondent No. 1.

.....

**CORAM : K.K.TATED, J.
DATED : SEPTEMBER 17, 2019**

PC.

- 1 Heard Learned Counsel for the parties.
2. Though Respondent Nos.2 to 4 are duly served, no one appeared on behalf of them when the matter is called out.
3. By this Civil Application, the Applicant-Insurance Company is seeking condonation of 144 days delay in filing the First Appeal challenging the Judgment and award dated 05/06/2014 passed by the Motor Accident Claims Tribunal, Satara in Motor Accident Claim Petition No. 376/2008.
4. The Learned Counsel for Respondent No. 1 vehemently opposed the present Civil Application. He submits that, the Applicant has failed to disclose the sufficient cause for condonation of 144 days delay in filing the First Appeal.

Hence, there is no substance in the present Civil Application and the same is required to be dismissed with costs.

5. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the 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.)