

ISM

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

**CIVIL APPLICATION NO. 381 OF 2017
IN
FIRST APPEAL (ST) NO. 10321 OF 2016**

The New India Assurance Co. Ltd. Thr.Applicant
Mumbai Regional Office-I

V/s.

Mr. Sagar Baban Nikam and anotherRespondents

Mr. Sandeep Jinsiwale for the applicant
Mr. Pritesh Bohade for the respondents

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2019.

P.C.

Heard learned counsel for the parties.

2 Though respondent no. 2 duly served, no one appeared on behalf of him when the matter is called out.

3 By this Civil Application, applicant is seeking condonation of 62 days delay in filing First Appeal challenging the Judgment and

Award dated 28/08/2015 passed by Ld. Motor Accident Claims Tribunal at Nashik in MACP No. 523 of 2009.

4 The learned counsel for respondent no. 1 submits that they do not have any objection, if the delay is condoned.

5 Considering the submissions made by the learned counsel for the applicant, the averments made in the Civil Application and as the Advocate for the original claimant have no objection, I am satisfied that applicant has made out a case for allowing the Civil Application. Hence, following order:

(I) Delay of 62 days in filing First Appeal is condoned.

(II) Civil Application stands disposed of.

(III) No order as to costs.

[K. K. TATED, J.]