

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

**CIVIL APPLICATION NO.3321 OF 2014
WITH
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IN
FIRST APPEAL (STAMP) NO.15151 OF 2014
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Cholamandalam MS General
Insurance Co. Ltd

...Applicant

Versus

Mr. Rafik Bukkad and Ors.

...Respondents

.....

Ms Dipika Prabhala I/b. M/s. Res Juris for the Applicant.
None for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd SEPTEMBER, 2019.

P.C.:-

The Applicant herein has sought to condone the delay of 125 days in filing the first appeal against the judgment and award dated 17th September, 2013 passed by the learned Additional Member, M.A.C.T., Pune, in M.A.C.P. No.1111 of 2010.

2. The application has already been dismissed as against the Respondent No.5, who is an insured. The learned counsel for the Applicant states that the Application shall not raise any statutory

defence as against the Respondent No.5 and that the challenge is restricted to the quantum of compensation. Statement is accepted.

3. In the light of the said statement and the reasons stated in the paragraph 2 of the application, which in my considered view constitute sufficient cause, the application is allowed. The delay is condoned.

4. The Appeal be registered subject to removal of office objections, if any.

ORDER IN FIRST APPEAL (STAMP) NO.15151 OF 2014:-..

5. Issue notice to the Respondent Nos.1 and 2 and to the Respondent Nos.3 and 4 through their natural guardian. The learned counsel for the Appellant has made a statement that challenge is restricted to the quantum of compensation and has prayed for dispensation of notice to the Respondent No.5. Notice to the Respondent No.5 is dispensed with.

6. Stand over to **24/9/2019**.

(SMT. ANUJA PRABHUDESSAI, J.)