

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

**CIVIL APPLICATION NO. 3995 OF 2016
IN
FIRST APPEAL (ST.) NO. 18097 OF 2016**

The New India Assurance Co. Ltd.

..... Applicant.

Vs.

Manohar Vinayak Waikar & Ors.

..... Respondents.

.....
S. S. Dwivedi I/b Jyoti Bajpayee for the Applicant.
S. Deshmukh for Respondent Nos. 1 & 2.
.....

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

PC.

- 1 Heard Learned Counsel for the parties.
2. Though Respondent No.3 is duly served, no one appeared on behalf of him when the matter is called out.
3. By this Civil Application, the Applicant-Insurance Company is seeking condonation of 77 days delay in filing the First Appeal challenging the Judgment and award dated 16/07/2015 passed by the Motor Accident Claims Tribunal, Pune in Motor Accident Claim Petition. No. 41/2009.
4. 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.)