

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

**CIVIL APPLICATION NO. 4167 OF 2017
IN
FIRST APPEAL (ST.) NO. 20065 OF 2017**

The New India Assurance Co. Ltd.

..... Applicant.

Vs.

Rupali Shrenik Kumbhoje & Ors.

..... Respondents.

Shalini Shankar for the Applicant.

.....

.....

**CORAM : K.K.TATED, J.
DATED : AUGUST 23, 2019**

P.C.

1 Heard Learned Counsel for the Applicant.

2. Though all the Respondents are duly served, no one appeared on behalf of them when the matter is called out. Office note shows that the Civil Application stand dismissed against Respondent No.2, 3 and 5 vide Registrar (Judicial -II) Court's order dated 7th August, 2018.

3. By this Civil Application, the Applicant is seeking condonation of 68 days delay in filing First Appeal challenging the Judgment and award dated 26th December, 2016 passed by the Learned Motor Accident Claims Tribunal, Jaysingpur in Motor Accident Claim Petition No.89/2012.

4. Considering the submission made by Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out case for allowing Civil Application. Hence, the following order:

- a. Delay in filing the First Appeal is condoned.
- b. Registry is directed to make noting in cuase title of First Appeal that First Appeal stand abated against Respondent No.5 and dismissed against Respondent No. 2 and 3.
- c. In First Appeal (St.) No. 20065 of 2017 Appellant to remove all office objections on or before 21st September, 2019 failing which, First Appeal shall stand dismissed without further reference to the Court.
- d. If all office objections are removed, First Appeal to appear on board on 25th September, 2019 for admission.

(K.K.TATED, J.)