

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2137 OF 2016
IN
FIRST APPEAL (ST) NO. 24969 OF 2015**

Bajaj Allianz General Insurance Company
Limited

..... Applicant.

Vs.

Kumar Abhinav Prakash Pawar through
next friend Guardian Siddharth
Ramchandra Pawar and Ors.

..... Respondents.

.....

Mr. Hrishikesh S. Shinde i/by Milind M.Sathaye for the applicant.
Mr. Kedar Khambete i/by Yashodeep P. Deshmukh for respondent No.3.

.....

**CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019**

P.C.

Heard Learned Counsel for the parties.

2. Respondent Nos.1 and 2 are duly served. No one has appeared on behalf of them, when the matter was called out.

3. By this Civil Application, Applicant/Insurance Company is seeking condonation of 327 days delay in filing the First Appeal, challenging the Judgment and Award dated 11/06/2014 passed by Motor Accident Claims Tribunal, Thane in Motor Accident Claim Petition No.852 of 2009.

3. The Learned Counsel for the applicant/Insurance Company submits that they tried to settle the matter between the parties and in that process, there was delay in filing the First Appeal. He submits that they have good chances of success in the present matter. He further submits that after drafting the First Appeal, the papers were handed over to the registered clerk of the applicant's Advocate for filing the same in the Registry. He submits that the registered clerk has misplaced the papers as well as Court Fees. Hence, there is delay in filing the First Appeal. In support of his contention, the Learned Counsel for the applicant relied on paragraph No. 7 of Civil Application.

4. The Learned Counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that if the delay is not condoned, irreparable loss would be caused to the applicant.

5. Considering the submissions made by the Learned Counsel for the applicant and the averments made in paragraph No.7 of Civil Application, I am satisfied that applicant has made out case for allowing the Civil Application, but at the same time, they have to pay cost of Rs.3,000/-. Hence, the following order :

ORDER

- (a) Delay in filing the First Appeal is condoned.
- (b) Applicant to pay cost of Rs.3,000/-.
- (c) Cost to be deposited in Kirtikar Law Library, First Floor, High Court Main Building, Bombay on or before 31/08/2019 and place on record the receipt thereof, failing which Civil Application stands dismissed without further reference to the Court.
- (d) Civil Application stand disposed of accordingly.

(K.K.TATED, J.)