

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

**CIVIL APPLICATION NO.3806 OF 2018
IN
FIRST APPEAL (STAMP) NO.25191 OF 2018
WITH
FIRST APPEAL (STAMP) NO.25191 OF 2018**

National Insurance Company Ltd. ...Appellant
Versus
Ranjanabai Sopan Bhad and Ors. ...Respondents

**WITH
CIVIL APPLICATION NO.3801 OF 2018
IN
FIRST APPEAL (STAMP) NO.25201 OF 2018
WITH
FIRST APPEAL (STAMP) NO.25201 OF 2018**

National Insurance Company Ltd. ...Appellant
Versus
Chandrabhan Bhivsen Bhad and Ors. ...Respondents

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Mr. Rahul Mehta I/b. KMC Legal Venture for the Appellant in both the first appeals and for the Applicant in CAF/3801 and 3806 of 2018 and for the Respondents in CAF/2648/2019 and CAF/2576/2019.

Ms Divya Parab I/b. Mr. R.N. Gite for the Respondent Nos.1 to 3 in both the first appeals and CAF/3801 and 3806 of 2018 and for the Applicant in CAF/2648/2019 and CAF/2576/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 9th SEPTEMBER, 2019.

P.C.:-

The Applicants herein have sought to condone the delay of 242 days in filing the first appeals against the judgment and award

dated 14th August, 2017 passed by the learned Member of M.A.C.T., Niphad, in M.A.C.P. Nos.50 of 2010 and 51 of 2010.

2. The Applicants have stated that there was negligence on the part of the trial court lawyer in applying for the certified copy, collecting it and forwarding the same to the office and not sending the papers to the office. In short, the delay is attributed to the negligence of the lawyer, who was appearing before the Trial Court.

3. The learned counsel for the Respondents states that she has no objection to condone the delay however, the same shall be subject to costs.

4. In the light of the said statement and in view of the reasons stated in the applications, the delay is condoned subject to cost of Rs.10,000/- in each of these matters to be paid to the Juvenile Justice Fund within a period of three weeks.

5. The applications stand disposed of.

6. The appeals be registered after removal of office objections,

if any. Ms Divya Parab, the learned counsel waives service of notice on behalf of the Respondent Nos.1 to 3. Notice to the Respondent Nos.4 and 5 (in First Appeal (stamp) No. 25191 of 2018 and Respondent Nos.5 and 6 (in First Appeal (stamp) No.25201 of 2018 are dispensed with. The appeal be listed for admission on **7/10/2019**.

(SMT. ANUJA PRABHUDESSAI, J.)

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