IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CIVIL APPLICATION NO. 2052 of 2020

In F/FIRST APPEAL NO. 1634 of 2020

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IFFCO TOKYO GENERAL INSURANCE CO LTD

Versus

SHAMLABHAI PARKHABHAI ODIYA

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Appearance:
MR VIBHUTI NANAVATI(513) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MR DA SANKHESARA(5955) for the Respondent(s) No. 2.2
RULE SERVED(64) for the Respondent(s) No. 2.1,3
UNSERVED EXPIRED (R)(69) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

Date : 18/12/2020

ORAL ORDER

Heard learned advocate Mr. Vibhuti Nanavati for the applicant through video conference.

The opponent no.1 who is driver of the vehicle is reported to have expired. For the purpose of this application for condonation of delay, the presence of the legal heirs is dispensed with.

By this application under section 5 of the Limitation Act, 1963, the applicant seeks condonation of delay of 90 days caused in filing the First Appeal against the judgment and order dated 8.7.2019 passed by the learned Motor Accident Claims Tribunal (Aux), Sabarkantha, Idar in MACP No. 81 of 2009.

Having regard to the submissions advanced by the learned advocate for the applicant and more particularly considering the averments made in the memorandum of application, the Court is of the view that the delay caused in filing the First Appeal has been sufficiently explained.

The application, therefore, succeeds and is accordingly, allowed. The delay caused in filing the First Appeal is hereby condoned. Civil Application stands disposed of. Rule is made absolute.

(BHARGAV D. KARIA, J)

Pradhyuman