

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO.4809 OF 2019
IN FAST/7861/2019

BHARTI AXA GENERAL INSURANCE CO. LTD.,
THR ITS MANAGER, NAGPUR
VERSUS
RUKHMINIBAI SHAMRAO DAMKONDE AND ORS

Mr. S. S. Patil, Advocate for the applicant
Mr. S. V. Suryawanshi, Advocate for respondent Nos. 1 to
5.

CORAM : S. M. GAVHANE, J.
DATED : 04.02.2020

PER COURT :-

. Applicant/original respondent No. 2- Insurance Company has filed this application to condone delay of 85 days caused in filing appeal aggrieved by the judgment and award dated 31/08/2018 passed by Member, MACT, Hingoli in MACT No. 33 of 2015.

2. Mr. Patil, learned counsel appearing for the applicant referring to the grounds mentioned in paragraph Nos. 2 and 3 of the application submitted that copy of the judgment and award was received and the same was sent to company's Nagpur office alongwith proposal for filing appeal. Thereafter, approval for filing of appeal was granted. Then certified copy of order was sent to advocate at Aurangabad in the second week of January, 2019 for drafting the present appeal, but he could not draft and file appeal immediately and as such delay has been caused,

which is unintentional. It is submitted that the same may be condoned by allowing the application.

3. Mr. Suryawanshi, learned counsel appearing for respondent Nos. 1 to 5- original claimants opposed to grant the application, but there is no material to substantiate the objection.

4. Respondent No. 6 is served with the notice but nobody is present for said respondent.

5. Considering the submissions made by the learned counsel appearing for the applicant and the grounds mentioned in paragraph Nos. 2 and 3 referred to above of the application, I am of the view that applicant has shown sufficient cause to condone the delay and the same needs to be condoned in the interest of justice.

6. Therefore, application is allowed in terms of prayer clause (B).

7. Appeal be registered. After registering the appeal, it be placed for admission on 16/03/2020.

8. Call for record and proceedings from the concerned Court.

[S. M. GAVHANE, J.]