

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5100 OF 2019
IN FAST/10385/2019

Bharti AxA General Insurance Company ...Applicant
Ltd.

Versus

Deepali Sunil Ghavte & Ors. ...Respondents

.....
Mr. R.H.Dahat, Advocate for Applicant
Mr. R.B.Deshpande, Advocate for Respondent Nos.1 to 3
.....

CORAM : S.M.GAVHANE, J.
DATE : 11-02-2020.

ORAL ORDER :

01. Applicant-original respondent No. 2-insurance company has filed this application to condone delay of 239 days caused in filing appeal against the Judgment and Award dated 14.3.2018 passed by the Motor Accident Claims Tribunal, Newasa in M.A.C.P. No. 290/2014.

02. The learned Counsel appearing for the applicant referring the grounds mentioned in paragraph Nos. 2 and 3 of the application submitted that after receiving copy of the impugned Judgment and Award, the Advocate of the

applicant at Newasa sent the same to the appellant company's office at Pune for the proposal of filing first appeal. Thereafter, time was consumed to take decision on the said proposal. Thus, it is submitted that the delay caused is unintentional and the same may be condoned by allowing the application.

03. Learned Counsel appearing for the respondent Nos. 1 to 3-original claimants opposed to grant the application, but, there is no material to substantiate the said objection.

04. Though served nobody has appeared for respondent No. 2. Though served nobody has appeared for respondent No. 4-owner and driver of the vehicle.

05. Considering the submissions made by the learned Counsel for the applicant and the grounds referred to above mentioned in paragraph No. 2 of the application, I am of the view that the applicant has shown sufficient cause to condone the delay and the same is required to be condoned to decide the matter on merits. Therefore, delay is condoned. Application is allowed in terms of prayer

clause B.

06. Appeal be registered.

07. Issue notice to the respondents for final hearing at the admission stage returnable on 2.4.2020. Mr. R.B.Deshpande, Advocate waives notice for respondent Nos. 1 to 3.

08. Record and proceedings be called from the concerned Court.

[S. M. GAVHANE]

JUDGE

Dahibhate/-