

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**916 CIVIL APPLICATION NO.8671 OF 2016
IN FAST/16347/2016**

**NATIONAL INSURANCE CO. LTD.
VERSUS
SUMANBAI DEVA BHADALE AND ORS**

Mr. Atul B. Gatne, Advocate for the applicant
Mr. M. V. Bhamre, Advocate for respondent Nos. 1 to 7.

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

PER COURT :-

. Applicant/ original opponent No. 2-Insurance Company has filed this application to condone delay of 113 days caused in filing appeal against the judgment and award dated 17/10/2015 passed by the Member, MACT, Dhule in Motor Accident Claim Petition No. 520 of 2011.

2. Learned counsel appearing for the applicant referring to the grounds mentioned in paragraph Nos. 2 and 4 submitted that after obtaining copies of the judgment and award, papers were sent to Bombay Regional Office to file appeal and even the matter was allotted to advocate at Bombay. Said advocate drafted the appeal and when presented to the Registry, it was noticed that the claim petition has been decided at Dhule and therefore appeal comes under territorial jurisdiction of

this Bench and therefore Advocate at Bombay had returned the papers and in turn sent said papers to the Divisional Office at Aurangabad for filling the appeal and thus, delay has been caused which is unintentional and therefore, same may be condoned by allowing the application.

3. Learned counsel appearing for the respondents has no objection.

4. Considering the submissions made by the learned counsel appearing for the applicant and grounds referred to above, I find that applicant has shown sufficient cause to condone the delay.

5. Therefore, delay is condoned. Application is allowed in terms of prayer clause (B).

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

[S. M. GAVHANE, J.]