

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8725 OF 2018
IN FAST/19129/2018

Mahaveer Fleet Operators Pvt. Ltd. ...Applicant

Versus

The Branch Manager, HDFC Ergo General ...Respondents
Insurance Co. Ltd. & Ors.

.....

Mr. M. M. Ambhore, Advocate holding for Mr. S.N.Rodge,
Advocate for Applicant.

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CORAM : S.M.GAVHANE, J.

DATE : 11-02-2020.

ORAL ORDER :

01. Applicant-original opponent No. 1, who is owner of the vehicle involved in the accident, has filed this application to condone delay of 603 days caused in filing appeal against the Judgment and Award dated 12.8.2016 passed by the Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P. No. 520/2012.

02. Learned Counsel appearing for the applicant referring the grounds mentioned in para No. 3 of the application submitted that after the impugned Judgment and

Award, the applicant was required to file appeal on or before 10.11.2016. However, due to non-receipt of information from the respondent No. 1, the applicant could not collect the necessary documents and papers for the purpose of filing the appeal.

03. The learned Counsel further submitted that the petition proceeded ex-parte against the applicant. Therefore, there was no communication to him about the Judgment and Award passed against him and only after service of notice of execution petition the applicant came to know about the Judgment and Award and therefore, the delay has been caused. According to learned Counsel delay caused is unintentional and therefore, the same may be condoned.

04. Though the respondents are served with the notice of this application, nobody has appeared.

05. Considering the submissions made by the learned Counsel for the applicants and the grounds of delay referred to above mentioned in paragraph No. 3 of the application, I am of the view that the applicant has shown

sufficient cause to condone the delay. Therefore, the same is required to be condoned to decide the matter on merits. Therefore, the delay is condoned and the application is allowed.

06. Appeal be registered.

07. Place the appeal and Civil Application No. 8726/2018 for further Orders and consideration on 23.3.2020.

08. The learned Counsel appearing for the applicant submitted that the applicant has deposited 50% amount of compensation awarded by the Tribunal, as per the Order dated 12.7.2018 of this Court. Therefore, the interim relief granted earlier as per said Order to continue, till 23.3.2020.

[S. M. GAVHANE]

JUDGE

Dahibhate/-