

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

**917 CIVIL APPLICATION NO.13427 OF 2016
IN FAST/27463/2016 WITH CA/13428/2016 IN
FAST/27463/2016**

**M/S. SHRIRAM GENERAL INSURANCE CO. LTD.
VERSUS
ARCHANA DATTATRAYA GUNJAL AND ORS**

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Advocate for Applicant : Ms. Pooja Tayde, holding for Mr. S.G. Chapalgaonkar

Advocate for the Respondent Nos.1 and 4 : Mr. Madlik, holding for Mr. A.S. Gandhi

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**CORAM : S. M. GAVHANE, J.
DATED : 05/02/2020**

PER COURT:

. The applicant-original respondent No.2-insurance company has filed this application to condone delay of 53 days caused in filing appeal against the judgment and award dated 08/05/2015 passed by the Motor Accident Claims Tribunal, Kopergaon in MACP No.37/2011.

2. Ms.Pooja Tyade, Advocate holding for Mr. Chapalgaonkar, learned counsel appearing for the applicant referring the grounds in para Nos.3, 4 and 5 of the application submitted that after receiving the copies of judgment and award, the matter was forwarded to Divisional Office at Pune to take further steps. Said Divisional Office appointed Advocate at Aurangabad and forwarded entire file. Advocate from Aurangabad instructed to draw necessary cheques towards court fees and

statutory deposit. Accordingly, the cheque was drawn on 05/08/2016. Said cheque was forwarded from Jaipur Office to the Office of Advocate at Aurangabad and it was received on 18/08/2016. Thereafter, appeal was drafted along with this application to condone delay. He submitted that in the above circumstances, the delay has been caused in filing the appeal, which is unintentional. It is submitted that, therefore, the delay may be condoned by allowing the application.

3. Mr. Mandlik, holding for Mr. Gandhi, learned counsel for the respondent Nos.1 to 4 has no specific objection to grant the application.

4. Respondent Nos.5 and 6 are served with the notice, however, they have not appeared.

5. Considering the submissions made by the learned counsel appearing for the applicant and the grounds referred to above and mentioned in paragraph Nos.3, 4 and 5 of the application, I find that the applicant has shown sufficient cause to condone the delay. Therefore, delay needs to be condoned by allowing the application. Therefore, the application is allowed in terms of Prayer Clause "B" and delay is condoned.

6. Appeal be registered. After registering the appeal, it be placed for admission on 09/03/2020.

[S. M. GAVHANE, J.]