

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

**CIVIL APPLICATION NO.2795 OF 2018  
IN FAST/2345/2018 WITH CA/2796/2018 IN FAST/2345/2018**

**UNITED INDIA INSURANCE CO. LTD., THROUGH ITS DIVISIONAL  
MANAGER, OSMANPURA, AURANGABAD  
VERSUS  
SUNITA BALASAHEB MUNDE AND OTHERS**

...  
Advocate for Applicant : Shri J. R. Patil h/f Shri A. G. Kanade  
Advocate for Respondent No.1 : Shri A. D. Aghav  
...

**CORAM : B. U. DEBADWAR, J.**

**DATE : 18<sup>th</sup> JANUARY, 2021**

**PER COURT :**

1. This is an application for condonation of delay of 72 days caused in preferring appeal against judgment and award dated 28-07-2017, passed by the learned Member, Motor Accident Claims Tribunal, Ambajogai, District Beed, in MACP No.80 of 2014, whereby the claim is fully allowed.

2. Heard Shri J. R. Patil, learned advocate for the applicant / appellant – United India Insurance company and Shri A. D. Aghav, learned advocate for respondent No.1. Nobody appears for respondents No. 2 and 3, though served with notice.

3. Applicant / appellant is original respondent No.2 – Insurance Company. Respondent No.1 is the original claimant.

Respondents No. 2 and 3 are owner and driver of offending vehicle, respectively.

4. While taking me through the application Mr. J. R. Patil, learned advocate for applicant submits that applicant had applied for certified copy shortly after pronouncement of the impugned judgment and award. After receiving certified copies of the impugned judgment and award, much time was spent initially in seeking opinion of its Divisional Office and then the legal retainer. After receiving legal opinion from the retainer, appeal was filed along with present application. Delay of 72 days is neither intentional or deliberate nor due to negligence of the applicant, therefore, application deserves to be allowed.

5. Per contra, Shri A. D. Aghav, learned advocate for respondent No.1, strenuously opposed the application *inter alia* contending that the cause shown in the application is not at all sufficient cause within the meaning of Section 5 of the Limitation Act, therefore, delay cannot be condoned.

6. Having considered the aforesaid reasons for delay in the interest of justice, it would be legal and proper to condone the delay. If short delay of 72 days is condoned, no prejudice would be caused to the respondents.

7. In view of the above, this application is allowed. The delay of 72 days caused in preferring appeal against the impugned judgment and award is hereby condoned.

8. The appeal be registered, if it stands in scrutiny.

**(B. U. DEBADWAR, J.)**