

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

**CIVIL APPLICATION NO.3624 OF 2018
IN FAST/5689/2018**

**BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THROUGH ITS
BRANCH MANAGER, ABC COMPLEX, MIDC CHIKALTHANA,
AURANGABAD**

VERSUS

LAKSHMI ANNABHAU IDHAPE AND OTHERS

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Advocate for Applicant : Shri Swapnil S. Dargad h/f
Shri S. G. Chapalgaonkar

Advocate for Respondents No.1 to 3 : Shri N. C. Garud

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CORAM : B. U. DEBADWAR, J.

DATE : 18th JANUARY, 2021

PER COURT :

1. This is an application for condonation of delay of 37 days caused in preferring appeal against judgment and award dated 20-09-2017, passed by the learned Chairman, Motor Accidental Claims Tribunal, Ahmednagar, in Motor Accident Claim Petition No. 300 of 2010 whereby death claim came to be allowed with costs.

2. Heard Shri Swapnil S. Dargad, learned advocate for the applicant / appellant – Insurance Company and Shri N. C. Garud, learned advocate for respondent Nos. 1, 2 and 3. – original claimants. None appears for respondent No.4 – owner of the vehicle involved in the accident.

3. Shri Swapnil S. Dargad, learned advocate for applicant / appellant, submits that after obtaining certified copies of the impugned judgment and award, opinion for preferring appeal was sought from the Head Office. After receiving opinion, some time was spent in collecting certified copies of relevant documents, necessary for preparing and filing of the appeal, which were not supplied by the claimants at the time of filing the claim petition. After getting the certified copies of the relevant documents, appeal came to be prepared and filed. The short delay of 37 days is neither deliberate nor due to negligence of the applicant / appellant. There is a merit in appeal. Applicant / appellant has every hope in success of the appeal.

4. Per contra, Shri N. C. Garud, learned advocate for respondents No. 1, 2 and 3, submits that the aforesaid grounds stated in paragraphs No. 3 and 4 of the application are not at all cogent and sufficient to condone the delay, therefore, the application may be rejected.

5. In the light of the aforesaid submissions made at par by both the sides, I have carefully gone through the record. The grounds stated in paragraphs No. 3 and 4 of the application cannot be said to be insufficient and the delay also cannot be said to be intentional or due to negligence. Therefore, delay needs to be

condoned. If delay is condoned no prejudice would be caused to the respondents.

6. In view of the above, this application is allowed. The delay of 37 days caused in preferring appeal against the impugned judgment and award is condoned.

7. The appeal accompanied with application be registered, if it stands in scrutiny.

(B. U. DEBADWAR, J.)