

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 6743 OF 2012
IN FAST/12345/2012

NEW INDIA ASSURANCE CO. LTD.
THR DIVISIONAL MANAGER AND ORS

VERSUS

TULSHIRAM KHANDUJI TUPKAR (DIED)
THR LRS SUSHILABAI AND ORS

Advocate for Applicants : Mr S.G. Chapalgaonkar
Advocate for Respondent Nos. 1 to 4 : Mr M.P. Tripathi

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 23rd DECEMBER, 2021

PER COURT :

1. It is an application for condonation of delay moved by the applicants.

2. Heard Mr S.G. Chapalgaonkar, learned counsel for the applicant/Insurnce Company and Mr M.P. Tripathi, learned counsel for the respondent Nos. 1 to 4. Respondent Nos. 5 and 6, who are the driver and owner of the offending vehicle seems to have not yet served. This delay condonation application is pending since the year 2012. By consent, it is taken for hearing by looking to the old nature of application for condonation of delay .

3. There seems to be delay of 162 days in preferring the appeal challenging the impugned Judgment and award passed by the M.A.C.T. in M.A.C.P. No.466/2009.

4. Mr Tripathi, learned counsel for the original claimants has no objection. As such, the application needs to be allowed.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (B).
- (ii) The appeal be registered after due scrutiny as per the procedure and it be numbered and placed before the Court for admission.
- (iii) The application for withdrawal of amount shall be considered along with the main appeal. It is made clear that the appeal would be taken up for final disposal at admission stage.
- (iv) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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