

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.12327 OF 2019
IN
FIRST APPEAL (ST.) NO.28387 OF 2019**

Reliance General Insurance Company,
Through its Manager

...APPLICANT

Versus

Rukhmin w/o Shankar Ghavle & ors.

...RESPONDENTS

Mr S.S. Patil, Advocate for the applicant;
Mr V.P. Savant, Advocate for respondents no.1 to 5;
Mr A.D. Hande, Advocate for respondents no.6 & 7

CORAM : ABHAY AHUJA, J.

DATE : 29-01-2021

P.C.

Heard learned Counsel for the applicant - insurance company.

2. He submits that the applicant - original respondent no.3 has lodged the first appeal challenging the legality and validity of the judgment and award dated 23rd April, 2019, passed by the learned Member, Motor Accident Claims Tribunal, Majalgaon in M.A.C.P. No.13 of 2015.

3. He submits that there is delay of 31 days in filing the appeal and prays that the said delay be condoned.

4. In support of his application, he has taken us through paragraphs no.2 to 6 of the said application, which are quoted as under :

“2] The applicants say and submit that the advocate of the applicant at majalgaon forgot to apply for the certified copy of the order immediately after passing of the order and applied for the certified copy on 7/06/2019. on receiving the certified copy of the order on 13/06/2019 the same was forwarded to the appellants companies office at mumbai.

3] The applicants say and submit that, upon receiving the certified copy of the impugned order the legal cell of the appellant company had put up the proposal for filing the first appeal with the appellant companies management. The management after going through the case papers issued approval for funds for filing the first appeal in the 3rd week of july 2019, in this process some time was consumed as the management has to look into many issues of administration amongst other.

4] After receiving the sanctioned the necessary documents were forwarded to the appellants Companies Aurangabad office for filing the First appeal At Aurangabad, at the same time the Legal Cell of the applicant company requested the Finance branch for funds

towards statutory deposit, so as to comply the condition president for filing the first appeal.

5] That the appellant / appellant is a company and the different aspects like Litigation, finance, policy decision are handled by different departments, some time is lost as the case papers circulate between different Departments. In the complete process some delay has been caused in filing the present First appeal, the delay is neither deliberate nor intentional but is caused for the above stated reasons, the applicant pray for condoning the same in the interest of justice.

6] The applicant say and submit that, from the date of Judgment and order excluding the days for receiving the certified copy there is delay in filing the appeal.”

5. After perusing the explanation as above and after considering the submissions made by the learned Counsel, this Court is of the view that there is sufficient cause for condoning the delay of 31 days in filing the appeal. Accordingly, we condone the said delay.

6. Registry is directed to register the appeal and list it for hearing along with other application on 12th February, 2021.

7. Civil application is accordingly disposed of.

(ABHAY AHUJA)
JUDGE

amj