

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15122 OF 2015 IN FAST/31540/2015

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
PRATIBHA PRAKASH PATIL AND OTHERS

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Advocate for Applicant : Mr. S.T. Kazi
Advocate for Respondents no. 1 and 3 : Mr. P.B. Patil
Advocate for respondent no.2 : Mr. S.S. Dargad h/f. Mr. S.G. Chapalgaonkar

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CORAM : ANIL S. KILOR, J.
DATE : 22-03-2021

ORDER :

1. Heard learned counsel for the respective parties.
2. This is an Application filed by the claimants for condonation of delay caused in filing the First Appeal for enhancement of compensation awarded by the learned Motor Accident Claims Tribunal in MACP 590 of 2010. Delay is of 163 days.
3. Learned counsel for the applicants submits that the delay is properly explained in the Application and sufficient cause has been shown for causing such delay. He submits that the delay is bonafide and not intentional. It is submitted that the Insurance Company has already approached to this Court challenging the very same Judgment and Award in First Appeal no. 2140 of 2015, in which the claimants are also parties. In that view of the matter, he prays for condonation of the delay.

4. On the other side, no reply has been filed by any of the respondents opposing the condonation of delay, however, orally they are opposing the Application.

5. After considering the cause shown in the Application for delay, I am of the opinion that the delay has been properly explained and sufficient cause has been shown to condone the delay. Accordingly, the Application is allowed in terms of prayer clause (B) and disposed of. Delay caused in filing the First Appeal is condoned.

6. Office is directed to register the First Appeal and place the same for admission along with First Appeal no. 2140 of 2015 after two weeks.

[ANIL S. KILOR]
JUDGE

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