

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.48 OF 2016
IN
FIRST APPEAL (ST.) NO.6005 OF 2015**

The New India Assurance Co. Ltd. Applicant

Vs.

Smt. Poonam Rajendrakumar Singh.... Respondents
& Ors.

Mr. Devendranath S. Joshi for Applicant.
None for Respondents.

**Coram : MADHAV J. JAMDAR, J.
Date : 22ND DECEMBER, 2021**

P.C.:

1. Heard Mr. Joshi, learned Advocate appearing for the Applicant.
2. Respondent Nos. 1 and 2 are duly served. The office note shows that the Civil Application has abated as against Respondent No. 3 and stands dismissed as against Respondent No.4. As far as the abatement as against Respondent No. 3 is concerned, Mr. Joshi states

that Respondent Nos.1 and 2 are legal heirs and legal representatives of Respondent No. 3. As far as Respondent No. 4 is concerned, he is the owner of the vehicle and there is no statutory defence against Respondent No. 4.

3. The Civil Application is filed for condonation of delay in filing of appeal challenging the judgment and order dated 7th May, 2014 passed by Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 45 of 2007. The delay is of 190 days. The delay is adequately explained in paragraph no. 4 of the application. Respondent Nos. 1 and 2 although served have not filed any reply to the Civil Application and none appears for them. Therefore, the Civil Application is allowed in terms of prayer clause (a).

(MADHAV J. JAMDAR, J.)