

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

First Appeal Stamp No.10916 of 2018

HDFC ERGO General Insurance Co. Ltd. **Vs.** The Akola Zilla Krushi Audyogik Sarva Sahakari
Society Ltd. Akola and Anr.

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri H.N. Verma, Advocate for the Appellant.
Shri A.D. Girdekar, Advocate for Respondent No.1.

CORAM : S.M. MODAK, J.
DATE : 4th JANUARY, 2021.

Civil Application (CAF) No.3122 of 2018

Respondent No.2 is the owner of the vehicle. Service on them is awaited. Even before the Claims Tribunal they have not appeared. The Claims Tribunal has pronounced the judgment on 23rd November, 2017. For the reasons stated in the application, the Insurance Company could not prefer an appeal in time. The reasons are sufficient. Respondent No.1/original claimant has opposed for the condonation of delay. I consider them sufficient.

Learned Advocate Shri H.N. Verma for the Insurance Company undertakes to deposit the decretal amount within a period of two weeks. Hence the order:-

The delay of 45 days caused in preferring an appeal is
condoned.

The civil application is disposed of.

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Heard.

Issue notice to the respondents, returnable after three weeks.

Call R & P

Learned Advocate Shri A.D. Girdekar waives notice for respondent No.1/original petitioner.

Issue fresh notice to respondent No.2 by R.P.A.D.

Civil Application (CAF) No.3123 of 2018

The appellant/Insurance Company is ready to deposit the decretal amount within a period of two weeks.

Statement is accepted.

Stay is granted to the execution of the impugned judgment, subject to deposit of that amount. It is made clear that if the amount is not deposited during that period, stay will stand vacated automatically.

JUDGE