

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.9382 OF 2021 IN FAST/23244/2021
WITH
CIVIL APPLICATION NO. 9383 OF 2021 IN FAST/23244/2021

ROYAL SUNDARAM GENERAL INSURANCE CO. LTD., THROUGH
ITS MANAGER AND ANOTHER
VERSUS
MANGAL RAMESH NIMBHORE AND OTHERS

....
Mr. M.R. Deshmukh, Advocate for the Applicant
Mr. U.U. Wagh, Advocate for Respondents
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th APRIL, 2022

PER COURT:-

Order in Civil Application for condonation of delay

1. It is an application for condonation of delay moved by the insurance company
2. Heard Mr. M.R. Deshmukh, learned counsel for applicant / appellant and Mr. Umakant Wagh, learned counsel for the respondent Nos. 1 to 5 / claimants. Perused the impugned judgment and award passed in M.A.C.P. No. 544 of 2013 by the Member, M.A.C.T. at Ahmednagar.
3. There seems to be delay of 693 days in preferring the appeal.

4. Mr. Wagh, learned counsel for the respondent Nos. 1 to 5 / claimants opposed to allow this application for condonation of delay.

5. For the reasons stated in the application for condonation of delay in para Nos. 4 to 7, the delay needs to be condoned to decide the appeal on its own merits.

ORDER

(i) The application is hereby allowed in terms of prayer clause (B).

(ii) The Registry to make scrutiny of the appeal as per procedure and it be numbered and place before the Court for admission.

(iii) The civil application is accordingly disposed of.

Order in Civil Application for stay

6. It is an application for stay moved by the insurance company

7. Heard Mr. M.R. Deshmukh, learned counsel for applicant / appellant and Mr. Umakant Wagh, learned counsel for the respondent Nos. 1 to 5 / claimants.

8. It is revealed during the course of argument that the insurance company has deposited the entire decretal amount under the impugned judgment and award and complied with the

interim stay order. As such, the interim stay needs to be confirmed till final decision of the appeal.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (B).
- (ii) Inform the concerned Tribunal / executing Court accordingly.
- (iii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane