

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

**CIVIL APPLICATION NO.2818 OF 2018
IN
FIRST APPEAL (STAMP) NO.18228 OF 2018**

Smt. Pushpawati Shivaji More and Ors. ...Applicants

Versus

The Manager,
United India Insurance Co. Ltd. and Ors.
...Respondents

....

Mr. Bhushan Walimbe for the Applicant.
Mr. Amol Gatne for Respondent No.1

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard learned counsel for the Applicants and Respondent No.1. None for the Respondent Nos. 2 to 4 though served.

2. Mr. Walimbe, learned counsel for the Applicants points out that there is a delay of 56 days in filing First Appeal challenging the judgment and award dated 24/01/2018 passed by the learned Member, Motor Accident Claim Tribunal, Sangli in MACP No.120 of 2015 thereby awarding compensation of Rs.44,88,288/- alongwith interest at the rate of 9%.

3. It is submitted that the present appeal is for the enhancement of compensation as the learned Tribunal has granted inadequate compensation.

4. While pointing out the cause for delay, it is submitted that the Applicant was required to arrange the amount for filing the appeal and the time consumed in the said exercise is the cause for delay in filing the appeal.

5. Learned counsel for the Applicants further submits that looking to the controversy involved in the present matter, this Court may adopt liberal approach in this matter and condone the delay as the same is not intentional but bonafide.

6. Mr. Gatne, learned counsel for Respondent No.1 opposes the application and prays for dismissal of the same.

7. After going through the application, more particularly the reasons stated in paragraph 5 of the application and in absence of any reply filed to the present application opposing the application or disputing

the facts stated in the application, I am of the considered view that sufficient cause has been shown by the Applicant for condonation of delay.

Accordingly, I pass the following order:-

ORDER

- (i) The application for condonation of delay is allowed;
- (ii) The delay caused in filing First Appeal is condoned. The office is requested to register the First Appeal and place the same before the Court for admission.

(ANIL S. KILOR, J.)