

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

Civil Application No. 3793 of 2018

In

First Appeal (st)No. 22789 of 2018

Cholamandalam M.S.

General Insurance Co. Ltd. Through
its Manager

... Applicants

V/s.

Smt. Phulabai Narayan Jankar & ors.

... Respondents

Ms. Nikita Singh i/b Res Juris for the applicant

Mr. Vikas Kolekar for Respondent Nos. 1 to 6.

CORAM : SHRIKANT D. KULKARNI,J.

20th July 2022

P.C.

Ms. Nikita Singh i/b. Res Juris, learned Counsel for the applicant and Mr. Vikas Kolekar, learned Counsel for Respondent Nos. 1 to 6 are present. Mr. Kolekar, learned Counsel for Respondent Nos.1 to 6 submits that Respondent No.6 is reported to be dead in the last month. According to Mr.Kolekar, present applicants i.e. Applicants Nos. 1 to 5 are the legal heirs. He may file necessary praecipe on record so that application can be amended accordingly.

2. Ms.Nikita Singh, learned Counsel for the applicants submits that appeal is restricted to quantum of compensation and not other grounds. As such notice to Respondent Nos.7 and 8 who are driver and owner respectively is not necessary since they are not contesting parties.

3. So far question of condonation of delay is concerned, Mr. Kolekar, learned Counsel for Respondent Nos.1 to 6 opposed to condone delay in view of want of details in the application. There is delay of 259 days. Having regard to the nature of dispute, it would be just and proper to condone the delay subject to cost which would meet the ends of justice.

ORDER

i) The application is hereby allowed in terms of prayer clause (b) on condition to pay cost of Rs.5000/- to the Respondent Nos.1 to 5. within one month from today.

ii) If payment is made within time, the Registry to make scrutiny of matter as per procedure and thereafter it be numbered and place it before appropriate Court.

iii) Civil Application is disposed of.

(SHRIKANT D. KULKARNI, J)

L.S. Panjwani, P.S.