

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

**CIVIL APPLICATION NO.4462 OF 2018
IN
FIRST APPEAL (STAMP) NO.34597 OF 2018**

The New India Assurance Co. Ltd. ...Applicant

Versus

Smt. Kalawati Dattatray Vedpathak and
Ors. ...Respondents

....

Mr. Milind V. More for the Applicant.
Mr. Ravindra Pal i/b. Mr. Sankpal for Respondent Nos.4 and 5.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Mr. More, learned counsel for the Applicant. Mr. R.V. Sankpal, learned counsel for the Respondent Nos.4 and 5. None for Respondent Nos.1 to 3.

2. Mr. More, points out that there is a delay of 22 days in filing the appeal challenging the judgment and award dated 23/04/2018 passed by the learned District Judge-3 and learned Member, Motor Accident Claim Tribunal, Satara, in M.A.C.P No.5 of 2013, thereby allowing the claim and granting compensation of Rs.3,00,000/-.

3. It is submitted that the delay is caused because of the

administrative procedure, which was required to be followed before filing of the appeal. He further submits that the way in which the award has been passed, it is necessary in this matter to look into the merits of the appeal and therefore the delay in this matter may be condoned. He has submitted that the delay is not intentional but bonafide.

4. Mr. Ravindra Pal, learned counsel for Respondent Nos.4 and 5 opposes the application.

5. After going through the application, it is revealed that details have been given as regards the procedure followed for administrative approval, obtained for filing the appeal. In absence of any reply opposing the application or disputing the facts stated in the application, I am of the opinion that sufficient cause has been shown in the application 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.)