

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

**CIVIL APPLICATION NO.138 OF 2019
IN
FIRST APPEAL (STAMP) NO.35947 OF 2018**

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

Versus

Pandurang Ramchandra Parakhe and
Ors. ...Respondents

....

Ms Deepika Motagi Prabhala i/b. M/s. Res Juris for the Applicant.
Mr. Vaibhav Gaikwad for Respondent Nos.1 to 5.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Ms Deepika, learned counsel for the Applicant and Mr. Vaibhav Gaikwad, learned counsel for Respondent Nos.1 to 5.
2. Learned counsel for the Applicant points out that there is a delay of 42 days in filing the First Appeal challenging the judgment and award dated 27/04/2018 passed by the learned Member, Motor Accident Claim Tribunal, Thane in Claim Application No.266 of 2014, thereby allowing the claim and granting compensation of Rs.6,55,000/- along with interest at the rate of 7.5%.
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. Learned counsel for the Respondent opposes the application for condonation of delay.

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.)