

K.S. Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2681 OF 2012
IN
FIRST APPEAL (ST.) NO. 5928 OF 2012

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

Versus

Devika Dnyanesh Shah ...Respondent

Mr. D.S. Doshi, Advocate for Appellant/Applicant.

Mr. J.D. Khairnar, Advocate for Respondent.

CORAM : R.I. CHAGLA, J.

DATE : 28th November, 2022.

ORDER :

1. The Appellant, New India Assurance Company Limited has filed the first appeal being aggrieved and dissatisfied by the Judgment and Order dated 21st May, 2011 passed by the District Judge and Member of Motor Accident Claims Tribunal (hereinafter referred to as 'MACT' for short), Malegaon, District – Nashik in Motor Accident Claim Application No.51 of 2003 directing the Appellant Insurer to pay compensation to the tune

of Rs. 19,74,369/- with interest @ 7.5% per annum from the application dated 11th February, 2003. The present Civil Application has been taken out for condonation of delay of 158 days in filing the first appeal.

2. By a separate order bearing today's date, Civil Application No.4500 of 2013 in First Appeal (St.) No.32359/2012 was allowed and delay is condoned. The First Appeal is arising from the very same Judgment and Order dated 21st May, 2011 passed by MACT, Malegaon which is impugned herein. Accordingly, since both the First Appeals will have to be heard together as they are arising of the same Judgment and Order of the MACT, Malegaon, the present Civil Application is also required to be allowed by condoning the delay. Hence, the following order :

- i) The delay of 158 days for filing the first appeal, is condoned.
- ii) The prayer Clause 'b' of the application does not survive in view of the stay having already been granted of the impugned Judgment and Order by the Appellant

depositing the entire amount awarded by the MACT,
Malegaon.

iii) Civil Application No.2681 of 2012 is accordingly
disposed of.

[R.I. CHAGLA, J.]