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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2886 OF 2016
IN
FIRST APPEAL (ST) NO. 10359 OF 2016

The New India Assurance Co. Ltd ...Applicant
Versus
Shri Rambaran R. Yadav & Ors ...Respondents

Mr. Ketan Joshi i/b Mr. Davendranath Joshi, for the Applicant.
Mr. Dyaneshwar Kale, with Mr. Bajirao Shelke i/b. Mr. Ashish
Agarkar, for the Respondents Nos. 1 and 2.

CORAM Madhav J. Jamdar, JJ.
DATED: 26th February 2022

PC:-

1. Heard Mr. Ketan Joshi, the learned Advocate for the Applicant and Mr. Dnyaneshwar Kale, the learned Advocate for the Respondents Nos. 1 and 2.

2. This Civil Application is for condonation of delay of 91 days in filing the First Appeal. In the First Appeal the challenge is to the judgment and award dated 8th September 2015 passed by the learned Member, Motor Accident Claims Tribunal, Thane in MACP No.131 of 2012.

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3. The said judgment and award is dated 8th September 2015. The appeal was lodged on 30th March 2016.

4. Mr. Ketan Joshi, the learned Advocate for the Applicant submitted that the Applicant is corporate body and therefore, some time was required for taking decision and thereafter necessary steps for filing appeal.

5. Mr. Kale, the learned Advocate for the Respondents No.1 and 2 opposed the application and contended that no sufficient reasons are set out in the Civil Application and therefore, Civil Application be dismissed.

6. Perusal of the Civil Application shows that prompt steps were taken for obtaining the certified copy of the judgment and award. However, thereafter delay was on account of administrative difficulties. The delay is of 91 days and adequate reasons are given in the Civil Application. The Respondents have not filed Affidavit in Reply controverting the contentions raised in the Civil Application.

7. In view of above, for the reasons set out in the Civil Application, the same is allowed in terms of prayer clause (a).

(Madhav J. Jamdar, J)