

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

**CIVIL APPLICATION NO.4030 OF 2016
IN
FIRST APPEAL (STAMP) NO.24598 OF 2016**

Bharti AXA General Insurance
Company Ltd.

...Applicant

Versus

Vaikuntha Ramnath Sahani and
Ors.

...Respondents

....

Mr. Rahul Mehta i/b. M/s. KMC Legal Venture for the Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Mr. Mehta, learned counsel for the Applicant. None present for the Respondents, though served.

2. Mr. Mehta, points out that there is a delay of 334 days in filing the appeal challenging the judgment and award dated 03/07/2015 passed in Motor Accident Claim Tribunal, Thane, in M.A.C.T. Application No.1009 of 2009, thereby allowing the claim and granting compensation of Rs.7,79,000/-.

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. 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.)