

K.S. Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3471 OF 2014

AND

CIVIL APPLICATION NO. 3472 OF 2014

IN

FIRST APPEAL (ST.) NO. 26160 OF 2014

The National Insurance Co.Ltd.

...Applicant/
Original Opponent No.2

Versus

Reshma Vijay Kiratkar & Ors.

...Respondents

Ms. Urmila K. Sanil, Advocate for Applicant/Appellant.

Mr. Prosper D'Souza, Advocate for Respondent Nos. 1 to 5.

CORAM : R.I. CHAGLA, J.

DATE : 19TH DECEMBER, 2022.

ORDER :

1. By this Civil Application, condonation of delay of 46 days is sought for filing the First Appeal.

2. The Applicant/Original Opponent No.2 is the Insurance Company. The Applicant has stated that there was delay on account of the grounds made out in Paragraph 2 and 3 of the Civil Application which is on account of scrutiny of the papers as well as forwarding of

files to various department for converting the file to First Appeal and thereafter, an Advocate from the Panel of Advocate was appointed for preparation of Appeal draft which required final approval. Accordingly, the Applicant has submitted that delay is neither intentionally nor deliberately.

3. Learned Counsel appearing for the Respondents / Claimants has no objection to the relief sought for in the Civil Application being granted. Accordingly, following order is passed :

i) The delay of 46 days in filing the First Appeal, is condoned.

ii) The office shall take the First Appeal on record.

4. At this stage, the learned Advocate appearing for the Applicant/Original Opponent No.2 states that the Applicant desires to settle the matter.

5. Accordingly, the Applicant shall sit together with the Respondents/Claimants and make an attempt to settle the matter.

6. Learned Advocate for the Applicant states that entire compensation which has been awarded to the

Respondents/Claimants has been deposited with the M.A.C.T., Mumbai. Further, he has applied for the sum of Rs.25,000/- which had been deposited at the time of filing First Appeal, to be transferred to the M.A.C.T., Mumbai.

7. Accordingly, the office shall transfer the sum of Rs.25,000/- to be deposited with the M.A.C.T., Mumbai as part of the amount deposited by the Applicant with the M.A.C.T.

8. The First Appeal shall be listed on 23rd January, 2023 under the caption for admission and endeavour shall be made to dispose of the First Appeal at the admission stage.

[R.I. CHAGLA, J.]