

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19588 OF 2022

IN

FIRST APPEAL (ST) NO. 25091 OF 2022

The New India Assurance Co.Ltd.

...Applicant

Versus

Smt. Mamta Pawan Gola & Ors.

...Respondents

Ms. Shraddha Chheda i/by Navdeep Vora & Associates for the
Applicant.

CORAM : R.I. CHAGLA J

DATE : 29 November 2022

ORDER :

1. Heard learned Advocate appearing for the Applicant.
2. Respondent Nos. 1 and 2 have been served with the Interim Application. Service of envelop (containing papers and proceedings) upon the Respondent Nos. 3 and 4 have been returned with remark "*Unclaimed*". Interim Application has been filed for condonation of delay of 30 days in filing the Appeal against judgment

and order dated 13th April 2022 passed by the Member of Motor Accident Claims Tribunal, Mumbai and for the Appeal to be heard in merits.

3. The Applicant has stated that the certified copy of the impugned judgment and order dated 13th April 2022, which was applied on 4th May 2022, was ready on 28th June 2022 and delivered to the Advocate for the Applicant on 30th June 2022. The Applicant has further stated that there was delay in filing the First Appeal, in view of the Advocate conveying the decision and furnishing certified copy of the award and judgment on 1st July 2022. Thereafter, the matter had to be placed before the Competent Authority through various departments for seeking instructions and decision to challenge the impugned judgment and order which was thereafter, taken and conveyed to the Attorneys by the Applicant and Court fees took time to process.

4. The Applicant has stated that the First Appeal challenges the impugned judgment and order on various grounds and in view thereof, it took time to prepare the Memo of Appeal, particularly, considering that the Applicant is a public body and decision making

took time. Accordingly, present Interim Application is taken out for condonation of delay in filing the First Appeal.

5. Having considered the averments in Interim Application which have been referred to above as well as taking note of the fact that the Applicant/Appellant had to take instructions and decisions being a public body for approval of the Appeal Memo to be filed as well as processing Court fees, satisfactory explanation has been given in the Interim Application for the delay. Hence, relief sought for in the Interim Application is required to be allowed and following order is passed.:-

(i) Delay of 30 days in filing the Interim Application against the impugned judgment and order dated 13th April 2022 passed by the Member of Motor Accident Claims Tribunal, Mumbai is condoned.

(ii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]