

K.S. Jadhav

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

**CIVIL APPLICATION NO. 4500 OF 2013
IN
FIRST APPEAL (ST.) NO. 32359 OF 2012**

Devika Dnyanesh Shah

...Appellant/Applicant

Versus

The New India Insurance Co. Ltd.

...Respondent No.3

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

Mr. D.S. Doshi, Advocate for Respondent No.3.

CORAM : R.I. CHAGLA, J.

DATE : 28th November, 2022.

ORDER :

1. By this Civil Application, the Applicant is seeking condonation of delay in filing the first appeal which delay is stated to be of 520 days.

2. The Applicant has challenged the impugned Judgment, Order and Decree 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.

3. The Applicant has stated that an application had been made for the certified copy of the impugned judgment and order which was finally delivered to the Applicant on 23rd June, 2011. The Applicant has stated that as he was a student and having no source of money, he filed the present Appeal upon being allowed to withdraw an amount of Rs.2,00,000 from the total decretal amount deposited by the Respondent No.3, Insurance Company by order dated 23rd October, 2012. The Applicant has further stated that from the date of the incident, the Applicant is living her life at the mercy of her parents and with the aid and assistance of one lady helper, hence, she was required to take suggestion of her parents and lawyer and after taking decision, the appeal has been preferred.

4. The learned Advocate appearing for Respondent No.3, New India Insurance Company Limited submits to the order of this Court.

5. Having considered that the Applicant has suffered on

account of the incident and not having the resources to file the present appeal within time, due notice of the same has been taken and the Civil Application for condonation of delay is been allowed. Hence, the following order :

- i) The delay of 520 days in filing the appeal, is condoned.
- ii) Civil Application No.4500 of 2013 is accordingly disposed of.

[R.I. CHAGLA, J.]