

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (F) No.2000/2019 in First Appeal St. No.7324/2019

The Oriental Insurance Co. Ltd, Amravati V Bharat Jawarkar and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms. Anita Mategaonkar, Advocate, Advocate for applicant.

CORAM : ABHAY AHUJA, J.

DATE : 20-09-2022

Heard.

2. By this application, the applicant is seeking condonation of delay of 122 days in filing the Appeal against the judgment and award dated 09-08-2018 passed by the Motor Accident Claims Tribunal, Achalpur in Claim Petition No.54/2009. The learned Counsel for the applicant draws attention of this Court to paragraphs 3 and 5 of the application to explain the delay. The learned Counsel would submit that in fact in all the other cases with respect to this incident the Insurance Company has been exonerated but directed to pay and recover. She submits that the same course of action be adopted in this Appeal as well and therefore there is merit in the Appeal.

3. The non-applicants no.1 to 3 though served are not represented. The Appeal has already abated against non-applicant no.4.

4. Having heard the learned Counsel for the applicant

and having perused the application, this Court is satisfied that there is sufficient cause made out for condonation of delay.

5. The delay of 122 days in filing this Appeal is condoned.

6. The Registry is directed to register the First Appeal within a period of two weeks.

7. Application stands disposed.

First Appeal St. No.7324/2019

Heard.

2. The Appellant is directed to serve the copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of four weeks and an affidavit of service with tangible proof be filed in this Court.

3. List the Appeal for admission on 18-10-2022.

(Abhay Ahuja, J.)