

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

CIVIL APPLICATION (CAF) NO.2611/2022

IN

FIRST APPEAL ST. NO.18796/2022

Chandrakant Vijaykumar Vekhande

...Versus...

Smt. Suchita wd/o Vinod Vitonde and others

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

Court's or Judge's orders

Shri D.N. Kukday, Advocate for applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/11/2022

1. The civil application seeks condonation of delay of 166 days in filing the first appeal.

2. In *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others, (2013) 12 SCC 649* the Hon'ble Apex Court has laid down the parameters for considering an application for condonation of delay and has mandated that the liberal approach ought to be adopted. Considering the quantum of delay and accepting the reasons given therein, the delay in filing the first appeal is condoned. The civil application is allowed. Office to register the appeal.

FIRST APPEAL ST. NO.18796/2022

1. The first appeal challenges the award dated 17/03/2020 passed by the learned Motor Accident Claims Tribunal in Claim Petition No.1026/2012 allowing the petition and granting a compensation of Rs.29,28,338/- with interest @ 7.5 % per annum against the appellant, exonerating the respondent nos.5 and 6 - Insurance Companies. The grievance is that the respondent no.5 since it was insured, was liable. The exoneration of the respondent no.5 is by accepting the contention that the accident has occurred prior to the date of policy as against which it is contended, that the insurance cover-note filed with Form-AA was prior in point of time and covered the date of the accident.
2. Issue notice to the respondents, returnable in four weeks.
3. Call record and proceedings. Paper-book be filed within aforesaid time.

(AVINASH G. GHAROTE, J.)

Wadkar