

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

FIRST APPEAL NO. 1512 OF 2019

IFFCO Tokio General Insurance Co. Ltd. vs. Sau. Manorama w/o Janardhan Mirge 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. Amit Kukday, Advocate for appellant.
Shri. S. K. Bhoyar, Advocate for respondent Nos.1 and 2.

CORAM : URMILA JOSHI-PHALKE J.

DATE : 03/04/2023

**CIVIL APPLICATION (F) NO. 984 OF 2023 WITH
CROSS OBJECTION NO. 786 OF 2022**

Present application is filed by the cross objectors/respondents for condonation of delay in preferring cross objection. As per the contention of the claimants they have lost their only earning son and there was no earning member in the family. They have also not aware about the legal provision and therefore, they cannot file the cross objection immediately after the award was passed by the Motor Accident Claims Tribunal. Therefore, delay of 197 days is caused in preferring cross objection.

2. Said application is strongly opposed by the learned Advocate Shri. Amit Kukday for the appellant on the ground that delay is not properly explained.

3. In view of the reasons mentioned in the application and considering the fact that claimants have lost their only son in an accident, they were in trauma and mental agony and therefore, they could not file cross objection within time. Sufficient cause is made out to condone the delay by the cross objectors/respondents.

4. In view of that application is allowed. The delay of 197 days is hereby condoned, subject to waiver of the interest for delayed period, if the claimants succeeds in the appeal.

5. Application is disposed of in above terms.

6. Cross objection is taken on record.

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The appellant is already permitted to raise additional grounds in the appeal memo by 16/03/2021. The appellant has not carried out amendment to that effect. The appellant to carry out amendment within one week; failure to which the appeal will proceed as it is.