

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

CAF NO.1031/2021 IN FA ST.NO.2657/2021

**Reliance General Insurance Company Ltd., thr.its Authorized Signatory at Nagpur
..VS..Ramkrushna s/o Gangaram Valake and ors**

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

Court's or Judge's Order

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Shri H.N.Verma, Counsel for the Applicant.
Shri P.S.Mirache, Counsel for NA Nos.1 to 3.
None for NA No.4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/02/2023

1. Applicant/Insurance Company seeks condonation of delay caused in filing the appeal against judgment and award passed by the Motor Accident Claims Tribunal. The delay is of 284 days.

2. Learned counsel Shri H.N.Verma for the applicant/Insurance Company submits that after the award was passed on 27.1.2020, the applicant moved an application for certified copy. When the applicant received certified copy, lock-down was declared due to Covid-2019 Pandemic Situation. It was continue, till August 2021. He submits that the said delay caused is not to be considered in view of decision of the Honourable Apex Court in the decision in Miscellaneous Application No.21/2022 decided on 10.1.2022 wherein the Honourable Apex Court excluded limitation period and extended the same considering the Pandemic situation and, therefore, he submits that the application be allowed and the appeal be registered.

3. Learned counsel Shri P.S.Mirache for non-applicant Nos.1 to 3 has no objection if the delay is condoned. None appears for non-applicant No.4.

4. In view of decision of the Honourable Apex Court cited

supra and for reasons stated in the application, the application is allowed. The delay stands condoned. Office to register the appeal.

5. The application is disposed of.

FA ST.NO.2657/2021

1. Issue fresh **Notice** to respondent No.4 for final disposal of the appeal.
2. Record and proceedings be called for within a period of two weeks.
3. Filing of paper book is dispensed with.
4. After receipt of record and proceedings, list the appeal for final hearing.

CAF No.1032/2021

1. Learned counsel Shri H.N.Verma for the appellant submits that entire amount of compensation along with interest accrued thereon has already been deposited.
2. There shall be stay to effect and operation of impugned judgment and award dated 27.1.2020 passed by learned Member, Motor Accident Claims Tribunal, Additional Temporary Court, Nagpur in Claim Petition No.646/2017, till disposal of the appeal.
3. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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2023.02.15
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