



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

CIVIL APPLICATION (CAF) NO.1765 OF 2018

IN

FIRST APPEAL (ST.) NO. 11340 OF 2018

H.D.F.C. General Insurance Co. Ltd., Nagpur

VS.

Priya Wd/o. Brajkishor Sharma and ors.

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

Mr Amit Kukday, Advocate for the appellant

Mr D. G. Paunikar, Advocate for respondent Nos.1 to 3

CORAM : G.A. SANAP, J.

DATE : AUGUST 22, 2023.

Heard.

2. This is an application for condonation of 305 days delay caused in filing appeal against impugned judgment and award dated 05.04.2017 passed by the Member, MACT No.2, Nagpur. The reasons have been stated in the application. The record reveals that out of the deposited amount, the amount of Rs.14,76,729/- (Rs. Fourteen Lacs Seventy Six Thousand Seven Hundred and Twenty Nine only) has been withdrawn by respondent Nos. 1 to 3. Learned Advocate for respondent Nos. 1 to 3 submits that if the delay is condoned then by way of condition the

respondents may be allowed to withdraw the remaining amount.

3. On going through the record and proceedings I am of the view that the appellant needs to be granted an opportunity. Therefore, the delay needs to be condoned. Accordingly the application is **allowed**.

4. The delay of 305 days caused in filling the appeal stands condoned.

5. The respondent Nos. 1 to 3 are allowed to withdraw Rs.10,00,000/- (Rs. Ten lacs only). Similarly, the respondents are granted liberty to apply for withdrawal of amount after registration of the appeal.

6. The appeal be registered.

7. The application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

Namrata