

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

**CIVIL APPLICATION (CAF) NO.2348 OF 2022**  
**IN**  
**FIRST APPEAL STAMP NO.12804 OF 2022**

Reliance General Insurance Co. Ltd., through its Branch Manager, Nagpur

Vs.

Anguri wd/o Nasir Ansari and others

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

Court's or Judge's orders

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Mr. Amit Kukday, Advocate for appellant.

Mr. A. S. Ghatole, Advocate for respondent Nos.1 to 4.

Mr. Avinash Ramteke, Advocate h/f Mr. S. D. Ingole, Advocate for respondent No.5.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 06/02/2023**

1. By preferring this application, the appellant is seeking condonation of delay which is caused in preferring the appeal.

2. As per the contention of the appellant by preferring this appeal, appellant has challenged the judgment and award passed by the Motor Accident Claims Tribunal, Nagpur. However, delay of 53 days is caused as the appellant has to obtain the necessary approval from the higher officials wherein the time is consumed. The reason mentioned in the application is genuine one and delay is not intentional one.

3. The said application is opposed by learned Advocate Mr. Ghatole, appearing for respondent Nos.1 to 4 and learned Advocate Mr. Ramteke holding for Mr. Ingole, learned Advocate for respondent No.5. They

both have submitted that delay is not properly explained and hence application deserves to be rejected.

4. Heard both the sides.

5. Perused the application. The appellant is seeking condonation of delay on the ground that he has to obtain the necessary approval from the competent authority which appears to be a genuine reason. The delay is for just and reasonable cause. It is well settled that while considering the delay application, the liberal and pragmatic approach is to be taken and not the pedantic approach be taken. In view of that, the application for delay condonation is allowed. Delay of 53 days is condoned.

6. Appeal be registered.

7. Civil Application is disposed of.

**FIRST APPEAL NO. OF 2023**

1. Heard.

2. **Admit.**

3. Mr. Ghatole, learned Advocate waives notice for respondent Nos.1 to 4.

4. Mr. Ramteke, learned Advocate waives notice for respondent No.5.

5. Call record and proceedings.

6. The appellant to file paper-book within eight weeks. After receipt of the record and proceedings, stand over after eight weeks.

**Civil Application (CAF) No.2349 of 2022**

1. By preferring this application, the appellant is seeking stay to the effect and operation of the impugned judgment dated 05.03.2022 passed by the Motor Accident Claims Tribunal, Nagpur. The amount of compensation along with the accrued interest is already deposited by the appellant.
2. In view of above, the award passed by the Motor Accident Claims Tribunal, Nagpur, is stayed till disposal of the appeal.
3. Civil Application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate