

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

CIVIL APPLICATION (F) NO. 2407 OF 2022
IN FIRST APPEAL ST. NO. 13029 OF 2022

(Divisional Manager New India Assurance Co. Ltd. Vs. Seema w/o Anand Jain & Ors.)

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

Court's or Judge's orders.

Ms. Anita Mategaonkar, Advocate for the applicant/
appellant.

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CORAM : URMILA JOSHI - PHALKE, J.
FEBRUARY 23, 2023.

By this application, the applicant/ appellant is seeking condonation of delay which is caused in preferring the appeal. Notice is already served on the respondents. However, none appeared for them.

2] As per the contention of the appellant, the appellant has challenged the judgment and award passed by the Motor Accident Claims Tribunal, Nagpur. However, delay of 25 days is caused in preferring the appeal. It is submitted by the learned Advocate for the appellant that the certified copy was received by the appellant on 2/5/2022. Thereafter, the appellant had obtained legal opinion. The appellant has to obtain the necessary approvals from the higher officials before filing the appeal wherein time was consumed and therefore delay of 25 days is caused. The delay is not intentional one. There is sufficient and reasonable cause for condonation of delay.

3] Perused the application and considered the submissions made by the learned Advocate for the

appellant. Considering the reason that the appellant has to obtain necessary approvals wherein time was consumed and therefore the delay is caused, the application is allowed. Delay of 25 days caused in preferring the appeal is condoned. Appeal be registered.

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4] Heard.

5] Admit.

6] Call record and proceedings.

7] The appellant to file paper-book within eight weeks after receipt of record and proceedings.

8] The appellant is permitted to serve the respondents by all permissible modes of service.

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9] By this application, the appellant is seeking stay to the effect and operation of the award passed by the Motor Accident Claims Tribunal, Nagpur.

10] The learned Advocate for the appellant submitted that the entire compensation amount along with accrued interest is already deposited.

11] In view of aforesaid statement, the effect and operation of the impugned award dated 13/4/2022 passed by the Motor Accident Claims Tribunal – 2, Nagpur in Claim Petition No. 5/2017 shall remain stayed till final disposal of the appeal.

12] The Civil Application is allowed and disposed of.

(JUDGE)

Sumit