



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 2834 OF 2025
IN FAST/7023/2025

The Divisional Manager The New India Assurance Co Ltd
VERSUS
Saroja Sarang Patil And Ors

Mr.A.S.Usmanpurkar, Advocate for applicant

WITH

CIVIL APPLICATION NO. 2835 OF 2025
IN FAST/7023/2025

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and order dated 16.08.2024, passed by learned Member, M.A.C.T., Ahmedpur, Dist. Latur, in M.A.C.P. No.40 of 2018, original respondent - insurance company has preferred the First Appeal. As there is delay of 97 days, present application is filed for condonation of the same.

2. Learned counsel for the applicant submits that pursuant to the notice issued by this court, nobody has caused appearance. He submits that appellant has raised strong grounds in the appeal, which are required to be dealt with by this court by reassessing the evidence and findings rendered by learned Tribunal. He submits that the

applicant - insurance company has sufficiently explained the delay in paragraphs 3 to 6. The delay is caused due to the administrative exigency and not by way of negligence on the part of any one. He would submit that pursuant to the orders passed by this court, the appellant - insurance company has deposited the entire payable amount in this court together with interest accrued thereon, whereby, the interest of the claimant is also protected. In the light of this, he prays for allowing the application.

3. I have also gone through the reply forwarded by respondent no.6 by post, which consist of some six citations, on the basis of which, respondent no.6 prays that the application may be rejected. Although respondent no.6 has forwarded reply through post but he has chosen not to appear before this court and argue, as to how the citations would justify his defence. In the absence of such incomplete assistance, this court finds it difficult to appreciate the defence raised by respondent no.6 in his reply. Respondent no.6 contended that the delay is not properly explained by the applicant. Respondents no.6 merely annexed some citation with reply and stayed away from appearing in the matter or arguing as to how those citations are helpful to him. This Court deprecates such practice.

4. For the reasons stated in the application, the same is allowed. Delay of 97 days caused in filing the appeal is condoned.

In Appeal :-

5. The Registry to register the appeal, subject to removal of the office objections, if any, by the applicant/appellant. On registration, issue notice to the respondents, returnable after six weeks.

6. The matter be listed after service of notice is complete. In the meantime, applicant/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.

7. Office objections be removed within two weeks, failing which the matter shall stand dismissed automatically without reference to the court.

Application for stay :-

8. In the light of the fact that this court, vide its earlier order, has stayed the operation and execution of the judgment and award impugned in the First Appeal and as the appellant has already deposited the entire award amount with interest accrued thereon,

the stay granted earlier is made absolute. The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

kbp