



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

**901 CIVIL APPLICATION NO. 183 OF 2020
IN FAST/40187/2019**

**THE NEW INDIA ASSURANCE CO. LTD., THR ITS ASST.
MANAGER (LEGAL HUB), AURANGABAD**

VERSUS

BANEMIYA RATANBHAI SHAIKH AND ORS

....

Mr. S. R. Bodade, Advocate for the Applicant

Mr. Umakant U. Wagh, Advocate for Respondent Nos. 1 and 2

....

CORAM : NEERAJ P. DHOTE, J.

DATE : 28.03.2025

PER COURT :-

1. The office note shows that the service of Respondent No. 3 is awaited.

2. The learned Advocate for the Applicant submits that Respondent No. 3 has been served by R.P.A.D., pursuant to the order passed by this Court dated 17.01.2020. He further submits that an affidavit in that regard was filed in the office on 14.02.2020, and he has placed on record the copy of acknowledgment in respect of service to Respondent No. 3. The same is taken on record.

3. The Appeal filed by the Insurance Company is arising out of the Motor Accident Claim Petition.

4. The learned Advocate Mr. Wagh appears for Respondent Nos.1 & 2.

5. In view of the above, it is clear that the Respondent No.3 is duly served.
6. This is an Application for condonation of 105 days delay in preferring the Appeal.
7. Heard both the sides.
8. The learned Advocate for the Applicant submits that, sufficient reasons are shown in the Application for not preferring the Appeal within the stipulated period. He submits that, the Application be allowed.
9. The Application is opposed by the learned Advocate for Respondent Nos.1 & 2.
10. On going through the Application and reasons mentioned therein in paragraph Nos. 8 and 9, the Civil Application is **allowed** in terms of prayer clause 'B'. Appeal be registered.
11. After the Appeal is registered issue notice to the Respondents for final hearing, returnable on 20.06.2025. The learned Advocate Mr. Umakant U. Wagh waives service for Respondent Nos.1 & 2.
12. Call Record and Proceedings.

[NEERAJ P. DHOTE, J.]