

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7692 OF 2024
WITH
INTERIM APPLICATION NO.7691 OF 2024
IN
FIRST APPEAL (ST) NO.9877 OF 2024

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Sunanda Haribhau Khaire ...Applicant

In the matter between:-

Sunanda Haribhau Khaire ...Appellant

V/s.

The New India Assurance Co. Ltd. and Anr. ...Respondents

Mr.R.R.Varma a/w Mr.Sanket Thorat and Mr.Sachin Suware, Mr.Yogesh Dharra:-	Advocates for Applicant/Appellant.
Ms.Jaya Shukla i/b. Ms.Snehal Dwivedi:-	Advocate for Respondent No.1.

CORAM : S. M. MODAK, J.

DATE : 7th OCTOBER 2025

P. C. :-

1. Heard learned Advocate for the Applicant / original Claimant and learned Advocate for Respondent No.1 – Insurer. Though the Respondent No.2 – Insured is served, he has not appeared.
2. The present Applicant filed a Claim Petition before the MACT –

Nashik. After evidence, she was awarded compensation of Rs.4,54,000/- (Rupees Four Lakh Fifty Four Thousand) as per the Award dated 2nd January 2015. She was not satisfied with the Award. Instead of preferring Appeal, she filed a Review Application No.22 of 2015 on 11th March 2015. That Review Application was allowed by the learned Member – MACT – Nashik as per the order dated 10th December 2019 and the compensation was enhanced to Rs.13,30,000/- (Rupees Thirteen Lakh Thirty Thousand).

3. This order was challenged on behalf of the Insurance Company by way of Appeal. It was allowed as per the judgment dated 2nd January 2024 and the order passed on Review Application was set aside. My attention is invited to the observations in paragraph No.24 of the said judgment. In case the Claimant will prefer an Appeal then liberty was granted to consider the time spent for filing Review Application.

4. There is opposition to condone the delay and alternate submission is made, if the delay is condoned, then the Claimant need not be given interest on enhanced amount, if any.

5. The First Award was declared on 2nd January 2015 whereas the Review Application was pending from 11th March 2015 upto 10th December 2019. The correctness of the order on Review Application

was pending consideration before this Court as per the First Appeal which was filed in the year 2021 and it was disposed of on 2nd January 2024.

6. In view of the liberty granted while allowing the Appeal, I am inclined to condone the delay. Even though the delay is for a period of 3377 days, for the reasons stated above, it needs to be condoned. Hence the following order:-

ORDER

- (i) **The Application is allowed in terms of prayer clause (a) and it is disposed of.**

FIRST APPEAL NO.9877 OF 2024

1. Issue notice to the Respondents. Learned Advocate for Respondent No.1 waives notice. The Respondent No.2 is the owner and insured. He has not contested the proceeding before the Tribunal. Notice to him is dispensed with.

2. At the time of hearing of the Appeal, the issue of interest, if any, and from which date will be decided at that time after hearing both the sides.

3. There is a request to refer the matter to Mediation considering the age of the Claimant. Hence the following order:-

ORDER

- (i) Let the matter be referred to Mediation to the Mediation Centre at Nashik.
 - (ii) The learned Secretary–DLSA–Nashik **to appoint a suitable Mediator.**
 - (iii) The parties are directed to appear in the Office of DLSA – Nashik on **16th October 2025 at 11.00 a.m.**
4. The matter be listed for “**Compliance**” on **17th November 2025.**

[S. M. MODAK, J.]