

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4466 OF 2014
IN FAST/9316/2014

USHABEN JAGDISH WAGHELA AND ANOTHER
VERSUS
RAMKRISHNA BHIVSHAN PATIL AND ANOTHER

...
Advocate for Applicants : Mr. Brahme Shailesh P.
Advocate for Respondent No.2 : Mr. D.S. Bagul
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CORAM : V. K. JADHAV, J.
DATED : 1st APRIL, 2016

PER COURT:-

1. Heard both sides.
2. Learned counsel for the applicants submits that the deceased was 20 years old and bachelor. He was looking after business besides education. Learned counsel submits that applicant No.1 was physically and mentally collapsed due to death of her son. The applicant No.2 is to look after applicant No.1. Furthermore, the shop of small business of the applicants was burnt in fire. The Insurance company has refused to pay compensation and the applicants were constrained to approach the Consumer Forum. Learned counsel submits that thus delay is therefore, occurred in filing the appeal. Learned counsel submits that delay is not intentional one and because of the aforesaid reasons, the applicants were prevented to

prefer an appeal within limitation. Learned counsel places reliance on the judgment of Hon'ble Supreme Court in the case of ***New India Assurance Company vs. Ramesh Bhai C. Patel, reported in 1997 (5) SCC 510***, wherein the amendment with regard to removal of bar of limitation for filing claim petition is considered.

3. Learned counsel for the respondent M.S.R.T.C. submits that the applicants have not explained the delay properly and thus, the application is liable to be dismissed.

4. It appears that the applicants are prevented from sufficient cause to prefer an appeal within limitation. The delay is properly explained. I find that the delay is not intentional one or due to inaction on the part of the applicants. Hence civil application is hereby allowed. Delay condoned. Civil application is disposed of.

(V. K. JADHAV, J.)

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