

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

CIVIL APPLICATION NO. 2310 OF 2009
IN
FAST/24395/2008

LATA DNYANESHWAR PHAD AND ORS
VERSUS
ERIM A LUTHARA AND ANR

...
Advocate for Applicants : Mrs Warma
Advocate for Respondent 2 : Mr M K Goyanka

...
CORAM : V.K. JADHAV, J.
Dated: April 26, 2016

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PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent no.2-Insurer.

2. Learned counsel for the applicant submits that, the applicant no.1 is young illiterate widow and after death of her husband she is now bread winner of the family. Learned counsel submits that, the learned Commissioner had dismissed the claim in the year 2005, however, the applicant no.1 being illiterate lady and minor claimants and the aged in-laws depending upon her, could not prefer an appeal within the prescribed period of limitation.

3. Learned counsel for respondent-Insurer has strongly resisted the application. Learned counsel submits that,

there is inordinate delay in filing the appeal and, the delay is not explained properly.

4. It appears that the claimant no.1 is young widow and after accidental death of her husband, she had to maintain her two minor children and the parents of her deceased husband. She is an illiterate lady.

5. In view of this, I am inclined to allow this application. Hence, order.

ORDER

1. Application is allowed.
2. Delay of 1075 days caused in filing the appeal is hereby condoned.
3. Civil Application disposed of.

(V.K. JADHAV, J.)

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aaa/-