

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

957 CIVIL APPLICATION NO. 6141 OF 2014  
IN FA/790/2010

VIKAS PANDURANG HOGALE AND ANOTHER  
VERSUS  
SHIVAJI LALSINGH RATHOD AND OTHERS

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Advocate for Applicants : Mr. Vinykumar V. Tamke  
Adv. for respondent Nos. 1,2, 5 & 6 : Mr. S.S. Manale  
Adv. for respondent No.3 : Mr. M.C. Ghode  
Adv. for respondent No.4 : Mr. U.S .Malte.

CORAM : K.K. SONAWANE, J.

DATE : 17th November, 2017.

**PER COURT:**

1] Heard learned counsel for the applicant and respondents. Perused the application. This is an application for condonation of delay of 1210 days caused for filing the present application for setting aside the impugned order of dismissal of the appeal passed by the learned Registrar in the year 2010. According to learned counsel for applicants the delay is not deliberate and intentional but caused owing to unavoidable circumstances. As such, he prayed to condone the delay.

2] Admittedly, the first appeal was filed by the appellant/applicant but the appellant did not deposit the printing charges within the stipulated period and, therefore, considering the slipshod attitude on the part of the appellant, the circumstances constrained the learned Registrar to dismiss the appeal for failure to prosecute the same. Admittedly, there is a delay of 1210 days for filing the present application. Thereafter, the matter is pending before this court. The applicants are the owner and driver of the offending vehicle. The learned Tribunal imposed

monetary liability on account of death of the deceased in vehicular accident on the applicants.

3] In view of the nature of subject matter, I find it justifiable to extend reasonable opportunity to the applicants to prosecute the appeal for substantial justice. However, the lackadaisical and slipshod attitude on the part of the applicant constrains this court to impose monetary fetter for condonation of delay for filing application for restoration of appeal at its original stage by setting aside the order of dismissal of appeal passed by the learned Registrar. Hence, the application stands allowed in terms of prayer clauses (B) and (C), subject to condition that the applicants shall deposit an amount of Rs. 10,000/- within a period of two months from today. Civil application is disposed of accordingly. On payment of costs by the applicants, respondents/original claimants would be at liberty to withdraw the same.

**[K.K. SONAWANE]**  
**JUDGE.**

grt/-