

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

12 CIVIL APPLICATION NO. 6273 OF 2016
IN FAST/4076/2016

ANJNABAI MAHENDRAKUMAR KARNKAR AND ANR
VERSUS
JASBIRSING HARBHAJANSING PANJABI AND ANR

...
Advocate for Applicants : Mr. Dargad h/f Mr. M.R. Deshmukh
...

CORAM : K.K. SONAWANE, J.

DATED : 28th NOVEMBER, 2017.

Order :-

1. When the matter is called out none appears for both respondents.
2. Record adumbrates that notices were served on both respondents but they did not turn up to this court. In such circumstances, there is no alternative than to proceed further in their absence on decision of the present application.
3. This is an application for condonation of 43 days delay caused in filing the appeal against impugned judgment and award passed by the Motor Accident Claims Tribunal, Shahada in MACP No. 299 of 2012. According to learned counsel for the applicants, so called delay of 43 days caused in filing the appeal was not intentional or deliberate, but it caused due to unavoidable circumstances. Therefore, he prayed to condone the delay.

4. Admittedly, the matter pertains to compensation granted by the learned Tribunal. In such circumstances, reasonable opportunity is essential to be granted to the applicants-original claimants to approach appellate forum for redressal of their grievance. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. In such circumstances, for the reasons mentioned in the application, there is no impediment to condone the delay. Accordingly application stands allowed in terms of prayer clause "B". The delay caused in filing the appeal against the impugned judgment and award passed by the learned Tribunal is hereby condoned. Registry to take requisite steps for further process. The civil application stands disposed of accordingly.

5. After registration of appeal issue notice for admission of the appeal to both respondents, returnable on 11-01-2018.

6. Meanwhile call for record and proceedings.

[K. K. SONAWANE]
JUDGE

MTK.