

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

935 CIVIL APPLICATION NO. 4776 OF 2016
IN FAST/4202/2016

SANDEEP BHAUSAHEB LOKHANDE
VERSUS
NILESH SAMBHAJIRAO JAGTAP AND OTHERS

...
Advocate for Applicants : Mr. A.R. Lukhe h/f Mr. A. S. Shelke
...

CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Despite service of notice, none appears for respondents No. 1 and 2. Heard learned counsel for the applicant. When the matter is called out none appears for respondents No. 1 to 3.

2. This is an application for condonation of 28 days delay caused in filing the first appeal against the impugned judgment and award dated 15-09-2015 passed by the Motor Accident Claims Tribunal at Vaijapur, in MACP No. 315 of 2012. Learned counsel for the applicant submits that the delay caused in filing the appeal is not intentional or deliberate one, but it caused due to unavoidable circumstances.

3. In view of nature of subject-matter and 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 first appeal against impugned

Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

4. On registration of appeal, issue notice for admission of the appeal to respondents, returnable on 23-01-2018.

5. Meanwhile call for record and proceedings.

[K. K. SONAWANE]
JUDGE

MTK.