

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

27 CIVIL APPLICATION NO. 2335 OF 2016
IN FAST/5334/2016

DIVISIONAL CONTROLLER, N.E. KARNATAKA STATE ROAD
TRANSPORT CORPORATION, BUS DEPOT

VERSUS

DIPALI AJIT KATRE AND ORS

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Advocate for Applicant : Mr. V.G. Kodale h/f Mr. V. D. Gunale

Advocate for respondents No. 1 and 2 : Mr. S.R. Deshpande

Advocate for Respondents No. 4 and 5 : Smt. Mangal Manal h/f
Smt. Yogita M. Kshirsagar

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CORAM : K.K. SONAWANE, J.

DATED : 4th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant Karnataka State Road Transport Corporation, learned counsel for respondents No. 1 and 2 - original claimants and learned counsel for respondents No. 4 and 5. Despite service, none appears for respondents No. 3 and 6.

2. Perused the application. This application is filed for condonation of 503 days delay caused in filing the first appeal against impugned judgment and award passed by the learned Motor Accident Claims Tribunal in MACP No. 686 of 2010. According to learned counsel for the applicant, so called delay was not intentional or deliberate, but it caused due to compliance of official process and he prayed to condone the delay.

3. Learned counsel for respondents No. 1 and 2 - original claimants raised objection and submits there is huge delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of application.

4. Learned counsel for respondents No. 4 and 5 also raised objection of similar nature and requested not to nod in favour of applicant.

5. Admittedly, the matter pertains to vehicular accident. The applicant is owner of the offending vehicle involved in the accident. In view of nature of subject-matter and reasons mentioned in the application there is no impediment to condone the delay. 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. Therefore, it is imperative to grant some sort of latitude to the applicant to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose of substantial justice. Hence, the application for condonation of delay deserve to be allowed.

6. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil application stands disposed of accordingly.

7. On registration of appeal, issue notice to the respondents. Mr. Deshpande, learned counsel waives service of notice for respondents No. 1 and 2 and Smt. Kshirsagar, learned counsel waives service of notice for respondents No. 4 and 5.

8. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

9. List the appeal for admission in due course.

Sd/-
[K. K. SONAWANE]
JUDGE

mtk.