

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

936 CIVIL APPLICATION NO. 11025 OF 2016
IN FAST/21633/2016

SHARDA ASHOK GARUD AND ORS
VERSUS
RAJEBHAU DNYANOBA KALDATE AND ORS

...
Advocate for Applicants : Mr. Pramod C. Mayure

...
CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Despite service of notice through paper publication, none appears on behalf of respondent No. 2. Heard learned counsel for the applicants. When the matter is called out non appears for respondents No. 1 to 3.

2. This is an application for condonation of 35 days delay caused in filing the first appeal against the impugned judgment and award dated 16-02-2016 passed by the Motor Accident Claims Tribunal, Majalgaon, District Beed in MACP No. 11 of 2012. Learned counsel for the applicants 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.