

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

930 CIVIL APPLICATION NO. 10565 OF 2014
IN FAST/26951/2014

RAMDAS SANTOBA SHINGARE AND ANOTHER
VERSUS
BALU SHRIRAM TIDKE AND ANOTHER

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Advocate for Applicants : Mr. R.P. Bhumkar
Adv. for Respondent No. 1: Mr. V.C. Patil H/f Mr. U.B. Bondar

CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Heard learned counsel for appearing parties. Despite service of notice, no one else caused appearance on behalf of respondent No. 2-Oriental Insurance Company.
2. This is an application for condonation of 43 days delay caused in filing the first appeal against impugned judgment and award passed by the Motor Accident Claims Tribunal, Majalgaon in MACP No. 02 of 2010. According to learned counsel for the applicants, the delay caused filing the appeal in this matter is not intentional or deliberate, but it caused due to unavoidable circumstances. Therefore, he prayed to condone the delay.
3. The learned counsel for respondent No. 1-original claimant raised objection and submits that delay caused for filing the appeal is not satisfactorily explained, therefore, the application may be rejected.
4. Admittedly, the matter pertains to compensation arising from the vehicular accident. The applicants are owner and driver of the offending vehicle involved in the accident. The Tribunal

partly allowed the claim petition and imposed the monetary liability on the applicants/appellants. Being aggrieved by findings of the Tribunal the applicants are intending to approach to the appellate forum by filing the appeal, but there is delay. In such circumstances, there is no impediment to condone the delay by affording a reasonable opportunity to the applicants for redressal of their grievance before the appellate forum. Liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach in such type of matters. Hence, application for condonation of delay deserves to be allowed. Accordingly, the application stands allowed in terms of prayer clause "B". The delay caused in filing the appeal against impugned judgment and Award is hereby condoned. Registry to take requisite steps for further process. The civil application stands disposed of accordingly.

5. On registration of appeal, issue notice to respondents. Mr. Bondar, learned counsel waives service of notice for respondent No. 1- original claimant.

6. List the matter for admission in due course.

7. Meanwhile, call for record and proceedings.

[K. K. SONAWANE]
JUDGE

MTK.