

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

935 CIVIL APPLICATION NO. 15044 OF 2016
IN FAST/28358/2016

REENA SUBHASH PATOLE AND ORS
VERSUS
THE GENERAL MANAGER, MAHARASHTRA STATE ROAD
TRANSPORT CORPORATION, PARBHANI AND A

...
Advocate for Applicants : Mr. P.S. Agrawal

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CORAM : K.K. SONAWANE, J.

DATED : 8th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants. The record of the present matter indicates that notices of the application for condonation of delay has already been served to both respondents, but they did not turn up to this Court. Today, also when the matter is called out, none appears for both the respondents.

2. Heard learned counsel for the applicants. The matter pertains to condonation of delay for filing First Appeal against impugned Judgment and Award passed by learned Tribunal. The applicants are original claimants in MACP No. 358 of 2011. They preferred application for compensation for death of their family member in vehicular accident. The applicants are intending to seek enhancement in compensation awarded by the learned Tribunal.

3. In view of absence on the part of respondents as well as reasons mentioned in the application, I do not find any impediment to condone the delay. It appears that delay caused in filing the appeal is not intentional or deliberate, but it caused due to unavoidable circumstances. Hence, the application stands allowed in terms of prayer clause "B". The delay caused in filing the appeal against impugned

Judgment and Award dated 23-11-2012 passed by the learned Motor Accident Claims Tribunal, Parbhani in MACP No. 358 of 2011 is hereby condoned. The Registry to take requisite steps for registration of appeal. The civil application stands disposed of.

4. On registration of appeal, issue notice to respondents, returnable on 14-12-2017.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK