

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 CA/1666/2017 IN FAST/31715/2016

INDUBAI BABULAL KAMBLE AND OTHERS.
VERSUS
SHARDA ASHOK GARUD AND OTHERS

...
Advocate for Applicants : Mr. Pavankumar S. Agrawal
Adv. for respondents : Mr.S.R. Bodade.

CORAM : K.K. SONAWANE, J.

DATE : 14th November, 2017.

PER COURT:

Heard learned counsel for the applicant and learned counsel for the respondent No.2 Insurance company. Despite service of notice, none appears for respondent No.1 driver of the offending vehicle. The matter pertains to condonation of delay for filing the first appeal. There is a delay of 38 days. According to learned counsel for the applicant delay is not intentional and deliberate but caused due to unavailable circumstances.

In view of nature of subject matter I do not find any impediment to allow the application. The application is allowed in terms of prayer clause (B). Delay caused for filing the first appeal is hereby condoned. Registry to take requisite steps for further process. On registration of appeal, issue notice to respondents returnable on 18.12.2017. The learned counsel Shri Bodade waives notice for respondent No.2. In addition to regular mode of service, appellants to serve the notice privately to respondent No.3 and file affidavit of service with tangible proof on or before the returnable date.

**[K.K. SONAWANE]
JUDGE.**

grt/-