

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**27 CIVIL APPLICATION NO. 16067 OF 2016
IN FAST/35263/2016**

PRAKASH VISHNU SONWANE DIED THR LRS SWATI AND ORS
VERSUS
BALIRAM SAHEBRAO KOLEKAR AND ANR

Mr. S.K. Chavan, Advocate for the Applicants
None appears for both the Respondents

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CORAM : K.K. SONAWANE, J.

DATE : 18th September, 2017

PER COURT :

1. Heard learned counsel for the original claimants. None appears for both the respondents. Perused the application.

2. This is an application for condonation of delay for preferring appeal against the impugned Judgment and Award passed by the learned Motor Accident Claims Tribunal, Majalgaon, District Beed in

M.A.C.P. No. 25 of 2009. It is submitted that respondent No.2-Insurance Company has also preferred First Appeal No. 185 of 2012 against the impugned Judgment and Award passed by the learned Tribunal and same is kept for final hearing on merit before this Court. Learned counsel for the applicants submits that the applicants are the widow and children of deceased Prakash Sonwane. The injured Prakash Sonwane had preferred the Claim Petition No. 25 of 2009 for compensation, but after the impugned Judgment and Award, he passed away. Therefore, the applicants/claimants being his legal representatives, preferred the present appeal. According to the learned counsel, in the interest of Justice, delay may be condoned.

3. In view of the nature of subject-matter and the reasons mentioned in the application, I do not find any impediment to allow the application to ventilate their grievances before the Appellate Forum accompanied with respondent No.2, who has filed First Appeal No. 185 of 2012. In view of this, the delay

caused in filing Appeal stands condoned. Hence, the application is allowed in terms of prayer clause 'B'.

4. On registration of Appeal, Appeal **Admit.** Re-issue notice to the respondents for final hearing of Appeal.

5. The formalities of paper-book are hereby dispensed with.

6. After procedural compliance, keep this Appeal accompanied with First Appeal No. 185 of 2012 filed by respondent No.2 for final hearing on merit in due course.

(K.K. SONAWANE, J.)