

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.258 OF 2013
IN
FIRST APPEAL (ST) NO.31921 OF 2012**

Shri.Nitin Kailas Shelar & Ors. ..Applicants/Appellants

V/s.

Mr.Hitendra B. Gadkari & Ors. ..Respondents

Mr.M. R. Lad for the Applicants/Appellants.

Mr.J.S. Chandnani for Respondent No.2.

CORAM : M. S. SONAK, J.

DATE : 31 JANUARY 2017.

P.C.

1. Heard the learned counsel for the parties. This Civil Application seeks condonation of delay of 2 years and 24 days in instituting the appeal against award dated 13-10-2010. In paragraph No.2 of the Civil Application, the applicant has averred that the applicant is the widow of late Kailas Shelar who died in motor accident on Bombay Agra road. She has also stated that upon demise of her husband, she was busy in searching for employment and in the meanwhile she is doing domestic home work. She pointed out that mother and sister of Kailas, on account of age and circumstances were also not even position to purse the matter of

instituting the appeal she has also averted that on account of the final position it was not possible to immediate contact to advocate and get the appeals papers ready. For all these reasons it is submitted that the delay of the institution of the appeal is condoned.

2. Mr. Chandnani the learned counsel for the respondent submits that the aforesaid are not sufficient reasons for explaining the inordinate delay. He submits that reasons set out in the Civil Application do not constitute the sufficient cause. The facts and circumstances of the present case, I am satisfied that the cause shown by the applicant is sufficient. The applicant had noting to gain by instituting the appeal after the delay. After the demise of Kailas it is reasonable to presumed that the responsibility of looking after the family or rather maintaining themselves was upon the applicant. In such circumstances the delay is condoned. The Civil Application is disposed of.

(M. S. SONAK, J.)