

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

CIVIL APPLICATION NO. 4451 OF 2017
IN FAST/9586/2017

MANDABAI ABLYA @ ABHSINGH MORE AND ORS
VERSUS
RAJENDRA DHUDKU KHEDKAR ANA ANR

...
Advocate for Applicants : Mr. Shrikant S. Patil.
Advocate for Respondent No.1 : Mr. M. R. Wagh h/f. Mr. A. S. Savale.
Advocate for Respondent No.2 : Mr. S. G. Chapalgaonkar.
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CORAM : K.K. SONAWANE, J.

DATED : 22nd JUNE, 2018.

Order :-

1. Heard Mr. Patil, learned counsel for applicants-original claimants and Mr. Chapalgaonkar, learned counsel for respondent No.2- Insurance Company and Mr. Wagh, learned counsel appearing for respondent No.1. Perused the application and relevant documents.
2. The present application is moved for condonation of 399 days delay caused for filing first appeal against impugned Judgment and Award passed by learned Motor Accident, Claims Tribunal, Shahada in M.A.C.P. No. 37 of 2012 dated 18-11-2015. The matter pertains to compensation under the Motor Vehicles Act, 1988. The widow, children and parents of deceased Abhsingh @ Aabalya More initiated proceeding for withdrawal of compensation amount before the learned Tribunal. But, the compensation which was awarded by Tribunal inadequate. Therefore, applicants-original claimants are intending to approach before the Appellate Forum for redressal.
3. In view of nature of the subject matter and status of the applicants-claimants being widow, children and parents, I find it justifiable that the reasonable opportunity is essential to be granted to the applicants to ventilate it's grievance in the Appellate Forum for

redressal. Therefore, there is no impediment to allow the application for condonation of delay caused in filing the first appeal. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose for substantial justice. Hence, the application deserves to be allowed. Accordingly, the application stands allowed. The delay caused in filing first appeal against the impugned Judgment and Award is hereby condoned. The Registry to take requisite steps for further process. The civil application stands disposed of in above terms.

4. On registration of appeal, issue notice to the respondents.

5. Mr. A. S. Savale, learned counsel waives service of notice for respondent No. 1 . Mr. Chapalgaonkar, learned counsel waives service of notice for respondent No.2- Insurance Company.

6. Meanwhile, call for record and proceedings from the concerned Tribunal. After compliance of procedural formalities and receipt of record and proceedings, list the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.