

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

CIVIL APPLICATION NO. 8564 OF 2010
IN FAST/14551/2010

MURLIDHAR JAIRAM PATIL (KHIRSAGAR)
VERSUS
MOHAMMAD SIDDIK MOHAMMAD RAFIQ AND ORS

...
Advocate for Applicant : Mr. Mukul S. Kulkarni.
Advocate for Respondent No.2 : Mr. Ravindra Misal h/f. Mr.A.S.Sawant
Advocate for Respondent No.4 : Mr. Nilesh N. Desale.
Advocate for Respondent No.6 : Mr. S. S. Chapalgaonkar.
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CORAM : K.K. SONAWANE, J.

DATED : 20th JUNE, 2018.

Order :-

1. Heard Mr. Kulkarni, learned counsel for applicant and Mr. Chapalgaonkar, learned counsel for respondent No.6 – Insurance Company, Mr. Misal h/f. Mr. Sawant, learned counsel for respondent No.2. Rest of the respondents did not turn up even after service of notice. Perused the application.

2. The present application is moved for condonation of 114 days delay caused in filing first appeal against impugned Judgment and Award passed by learned Motor Accident, Claims Tribunal, Dhule, in M.A.C.P. No. 280 of 2007 dated 01-10-2009.

3. In view of reasons mentioned in the application, 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 in terms of prayer clause (A). 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, returnable on 18th July, 2018.

5. Mr. Sawant, Mr. Desale, and Mr. Chapalgaonkar, learned counsel waives service of notice for respondents No. 2, 4 and 6 respectively.

6. Meanwhile, call for record and proceedings from the concerned Tribunal.

7. After compliance of procedural formalities, list the appeal for admission 18-07-2018.

[K. K. SONAWANE]
JUDGE

rrd.