

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 10679 OF 2014 IN
FIRST APPEAL ST. NO. 25646 OF 2014

Sundrabai Rajendra Jaybhaye

Applicant

Versus

Smt. Chaya w/o Vishwas Sasane
& others

Respondents

Mr.P.G.Tawbade, advocate holding for Mr.M.R.Khutwad, advocate for the applicant.

Mr.R.B.Dhakane, advocate for Respondents No.1 to 3 & 5.

Mr.S.G.Chapalgaonkar, advocate for Respondent No.6.

Respondent No.4 is deleted vide Court's order dated 14,07.2017.

CORAM : M.S. SONAK, J.

DATE : 31st JANUARY, 2018

PER COURT:

1 The applicant seeks condonation of delay of 1079 days in instituting the appeal against judgment and award dated 12.07.2011, made by the Motor Accident Claims Tribunal.

2 From the application, it is seen that initially, the applicant had applied for setting aside the award on the ground that it was made *ex parte* against the applicant. Upon rejection of such application on the ground that the award was not made *ex parte*, present appeal has been preferred. The delay has taken place because the applicant was pursuing the application for setting aside the award.

3 In the aforesaid circumstances, sufficient cause is made out. The delay can be condoned by imposing some costs upon the applicant.

4 Accordingly, Civil Application is allowed. Delay is condoned subject to the applicant paying costs of Rs.5000/- (Rs. Five Thousand) in favour of Respondents No.1 to 3 & 5 – claimants. Such costs to be paid within a period of four weeks from today. If no costs are paid, this application shall be deemed to have been dismissed without any further reference to this Court.

5 Place the appeal for admission after four weeks, only if the amount of costs is deposited within four weeks from today. On deposit, Respondents No.1 to 3 & 5 are at liberty to withdraw the same unconditionally.

6 Civil Application is disposed of in aforesaid terms.

(M.S. SONAK)
JUDGE