

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

8 CIVIL APPLICATION NO. 10572 OF 2014
IN FAST/26947/2014

RAMDAS SANTOBA SHINGARE AND ANOTHER
VERSUS
SANDIPAN GUNDIBA MUNDE AND ANOTHER

...
Advocate for Applicants : Mr. R.P. Bhumkar And V R Bhumkar
Adv. for Respondent no. 1 : Mr. G.J. Karne
...

WITH CA/10573/2014 IN FAST/26954/2014

CORAM : K.K. SONAWANE, J.

DATED : 18th JANUARY, 2018.

Order :-

1. Heard learned counsel for applicant and respondent No.1-original claimant. When the matter is called out no one else appeared on behalf of respondent No. 2 - Insurance Company.
2. The present applications are filed by original respondents No. 1 and 3 - owner and driver of the offending vehicle for condonation of (43) days delay caused in filing the appeals against impugned judgment and award passed by the learned Member, Motor Accident Claims Tribunal, Majalgaon, District Beed in the Motor Accident Claim Petitions filed under section 166 of the Motor Vehicles Act. According to learned counsel for applicants, the delay caused in filing the appeal is not intentional or deliberate, but it caused due to unavoidable circumstances. The learned Member, Motor Accident Claims Tribunal has fastened the monetary liability on present applicants for payment of compensation amount. In such circumstances, he prayed to condone the delay.
3. Learned counsel for respondent No. 1 original claimants (in both matters) has no objection to condone the delay. As referred above, no one else turned up on behalf of respondent- Insurance Company.

4. In view of submissions on behalf of the applicants and nature of subject-matter, there is no impediment to allow the applications for condonation of 43 days delay caused in filing the first appeals. The matter pertains to motor accident claim and the Tribunal imposed monetary liability on the applicants. In such circumstances, a reasonable opportunity is essential to be granted to the applicants to ventilate their grievances before the Appellate forum. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, it is imperative to grant some sort of latitude to the applicants to present the appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose of substantial justice. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. Civil applications stand disposed of accordingly.

5. On registration of appeal, issue notice to the respondents. Mr. Karne, learned counsel waives service of notice for respondents-original claimants.

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

7. List the appeals for admission in due course.

[K. K. SONAWANE]
JUDGE

MTK.