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

**928 CIVIL APPLICATION NO. 13115 OF 2018
IN FAST/29993/2018**

**SANGITABAI BHAGWAN GIRI AND ORS
VERSUS
SK. JAMIL SK. SHAKUR AND ORS**

...
Advocate for Applicants : Mr. Kulkarni Vaibhav B.
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**CORAM : P.R. BORA, J.
DATED : 24th OCTOBER, 2018.**

PER COURT:-

. Heard Shri Vaibhav Kulkarni, the learned counsel appearing for the applicants. The present application is filed seeking condonation of delay which has occasioned in filing the appeal by the present applicants against the judgment and award passed in Motor Accident Claim Petition No. 274 of 2001 decided on 30.03.2007.

2. The delay occurred is of 4109 days. Shri Kulkarni, the learned counsel appearing for the applicants submitted that all the applicants are females and in absence of any male member in their family to take decision of filing an appeal, the appeal could not be filed within the period of limitation. It is further contended that except

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applicant no.1, applicants nos. 2 to 4 were minor at the relevant time whereas, applicant no.5 is an old aged lady. It is further contented that the applicants were residing in the remote area and are not equipped with the legal provisions as about filing of the appeal and period of limitation of filing such appeal. It is further contented that substantial grounds are raised by the applicants seeking enhancement in the amount of compensation awarded by the Tribunal. In the circumstances, the applicants have prayed for condoning the delay which has occurred in filing the appeal.

3. After having perused the averments in the application for condonation of delay and after having heard the learned counsel appearing for the applicants, it does not appear to me that any case is made out by the applicants to condone the huge delay of more than 11 years. The first contention that all the applicants are females and as such there was no person in their family to take decision is concerned, the same deserves to be rejected at the threshold. In view of the fact that even when the claim petition was filed, there

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was no male member and all five applicants were females.

4. The another contention raised that applicant nos. 2 and 3 were minor at the relevant time also has not impressed me much. In view of the fact that applicant no.2 Archana is stated to be presently 27 years old and applicant no.3 Nitesh is stated to be of 25 years of age, they have become major atleast prior 7 to 8 years.

5. The applicants have thus failed in making out even a prima facie case for issuance of notice to the respondents. I am, therefore, not inclined to issue notice to the respondents. Having considered the submissions made by the learned counsel and on perusal of the application, it does not appear to me that any cogent and sufficient reason is assigned by the applicants for condoning the huge delay of 11 years. The application, therefore, deserves to be rejected and is accordingly rejected.

(P.R. BORA, J.)