

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

CIVIL APPLICATION NO. 313 OF 2017

IN

FIRST APPEAL (ST.) NO. 37389 OF 2016

Rahibai Shamrao Mane and others.

Applicants.

Versus

United India Insurance Co. and ors.

Respondents.

Dr. S.D. Tawshikar, Advocate for the applicants.

Mr. S.R. Bodade, Advocate for respondent No.1.

CORAM : SUNIL K. KOTWAL,J.

Dated : 30th November 2018.

ORDER :-

. Heard learned Counsel for the applicants and learned Counsel for respondent-Insurance Company. There is delay of 415 days in filing the appeal. Learned Counsel for the applicants has pointed out that this is the appeal against award passed in death claim petition. He submits that after the death of deceased, there was nobody to look after the family of deceased, and therefore, for want of financial source the appeal could not be filed within time limit.

2. Learned Counsel for the Insurance Company vehemently objected this application on the ground that no reasonable ground is made out to condone the delay.

3. In death claim petition, if after the death of bread earning member of the family the appeal could not be filed for want of funds by the dependents, it cannot be said that the delay is without any reasonable cause. On the other hand, this circumstance itself explains the delay in filing the appeal. Therefore, considering the nature of this litigation, delay of 415 days is condoned.

4. First Appeal No. 37389 of 2016 be registered. After registration of the appeal, issue notices to the respondents returnable on 15th January 2019. Mr. Bodade, learned Counsel waives service of notice for respondent No.1.

5. Record and proceeding be called.

6. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/