

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3030 OF 2017 IN
FIRST APPEAL ST.NO.37756 OF 2016

Sadhana Satish Kolhe & others

Applicants

Versus

Shaikh Nisar Shaikh Ibrahim & another

Respondents

Mr.M.M.Bhokarikar, advocate for applicants

Mr.S.V.Kulkarni, advocate for Respondent No.2.

CORAM : M.S.SONAK, J.

DATE : 07th February, 2018.

P.C. :

1. Respondents have been duly served.
2. This is an application seeking condonation of delay of about 417 days in instituting appeal against the award made by the Motor Accident Claims Tribunal.
3. Husband of applicant has died in the accident on 15.06.2004 which gave rise to filing of the claim petition. It is averred that the applicant had no financial means and therefore, it was difficult for her to even contact advocate and prepare the appeal. It is averred that the place of residence of applicant is quite away from Aurangabad and this added to the difficulty in contacting advocate at Aurangabad in order to prepare the appeal.
4. Learned counsel for respondent no. 1 expressed surprise as

to how a woman can have a financial difficulty. He submits that the statement it was difficult for applicant to contact advocate to file appeal is also unbelievable.

5. There is absolutely no merit in the submission made on behalf of respondent no. 1. Respondent no. 1 has not even bothered to file any reply opposing the application for condonation of delay. The grounds stated in the application clearly make out sufficient cause for condonation of delay. Applicant has gained nothing by instituting the appeal after delay of about 400 days. Accordingly, delay is condoned. Civil application is allowed in terms of prayer clause 'B.

6. Civil application accordingly stands disposed of.

M.S.SONAK
JUDGE

dyb