

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

CIVIL APPLICATION NO. 15422 OF 2017
IN FAST/38772/2017

RUKHMINBAI NAMDEV URADE AND ANR
VERSUS
PRASHANT NISHIKANTRAO GAMBHIRE AND ANR

...
Advocate for Applicants : Mr. Sachin G. Joshi.
Advocate for Respondent No.1 : Mr. Balaji S. Chondhekar.
Advocate for Respondent No.2 : Mr. Sudhir V. Kulkarni.
...

CORAM : K.K. SONAWANE, J.

DATED : 26th JUNE, 2018.

Order :-

Heard Mr. S. G. Joshi, learned counsel for the applicants-original claimants, learned counsel for respondent No.1 i.e. owner of the offending vehicle and Mr. S. V. Kulkarni, learned counsel for respondent No.2- Insurance Company. Perused the application and relevant documents placed on record.

2. The present application is moved for condonation of 175 days delay caused in filing first appeal against impugned Judgment and Award passed by learned Motor Accident, Claims Tribunal, Gangakhed, District Parbhani in M.A.C.P. No. 16 of 2013 dated 10-03-2017.

3. In view of reasons mentioned in the application, there is no impediment to allow the application for condonation of delay caused in filing the first appeal. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose for substantial justice. Hence, the application deserves to be allowed. Accordingly, the application stands allowed in terms of prayer clause (B). The delay caused in filing first appeal against the impugned Judgment and Award is hereby condoned. The Registry to take requisite steps for further process. The civil application stands disposed of in above terms.

4. On registration of appeal, issue notice to the respondents.
5. Mr. B. S. Chondhekar, learned counsel waives service of notice for respondent No. 1. Mr. S. V. Kulkarni, learned counsel waives service of notice for respondent No.2 – Insurance Company.
6. Meanwhile, call for record and proceedings from the concerned Tribunal.
7. After compliance of procedural formalities, list the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.