

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2069 OF 2016
IN
FIRST APPEAL STAMP NO. 6933 OF 2016**

Chayabai Raju Pawar and others ... Applicants
Versus
Changdeo Dnyaneshvar Jadhav and another ... Respondents
.....
Mr. Mohansingh U. Rajput for Applicants.
Ms Shalini Shankar for Respondent No.2.
.....

CORAM : K. K. SONAWANE, J.

DATE : 8th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicants-claimants and learned Counsel for respondent No.2.
2. The applicants preferred appeal against the impugned order of dismissal of M.A.C.P.No. 25 of 2012 for compensation under the Motor Vehicles Act, 1988, but there is delay in filing the appeal. Learned Counsel for the applicants-claimants submits that the applicants are the widow and children of the deceased Raju Pawar who succumbed to injury caused during the course of vehicular accident. The applicants-original claimants were

prevented due to unavoidable circumstances to take appropriate steps for filing appeal within stipulated period. He requested to condone the delay.

3. Learned Counsel for respondent No.2-National Insurance Co. Ltd. raised objection and submits that, delay has not been properly explained and same may not be condoned. The notice of the application was served to respondent No.1 through paper publication, but no response is received from respondent No.1.

4. In view of reasons mentioned in the application and attending circumstances on record, there is no impediment to condone delay to afford a reasonable opportunity to the claimants for substantial justice into the matter. Definitely, it would subserve the purpose in the interest of justice. Hence, application deserves to be allowed.

5. Accordingly, civil application stands allowed in terms of prayer clause (a). Delay caused for presenting appeal against the impugned judgment and order dated 25th March, 2014 passed by the M.A.C.T. Solapur in M.A.C.P. No. 25 of 2012 is hereby condoned. Registry to take requisite steps for further process.

6. Accordingly, civil application stands disposed of in above terms.

7. On registration of appeal, issue notice of admission of appeal to the respondents, returnable on 18th September, 2018. Ms Shalini Shankar, learned Counsel waives notice on behalf of respondent No.2-insurance company.

8. In addition to the regular mode of service, appellants to serve notice to respondent No.1 privately by legally acceptable fastest mode and file affidavit of service with its tangible proof on record.

9. In the meantime, call for record and proceedings from the concerned Tribunal.

(K. K. SONAWANE, J.)