

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

**CIVIL APPLICATION NO.3883 OF 2019  
IN FAST/3941/2019**

**HANUMANTRAO BABURAO LAVHAT AND ANR  
VERSUS  
SANDIPAN DNYANDEO KALE AND ANR**

...  
Mrs.P.V. Langhe & Mr. V.R. Langhe, Advocate for Applicants.  
Mr. R.F. Totala, Advocate for Respondent No.2.  
...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 13<sup>th</sup> SEPTEMBER, 2019.**

**ORDER :**

. Present application has been filed by the original claimants for getting the delay of 284 days condoned in filing first appeal. The claimants intend to challenge the judgment and award passed by the learned tribunal which had partly allowed their application under Section 166 of the Motor Vehicles Act and now they want to seek enhancement in the same.

2. Learned Advocate for respondent No.2 has strong objection stating that the delay has not been properly explained.

3. The applicants have produced certain documentary evidence on record showing that medical treatment was taken. Further it cannot be

forgotten that the applicant No.1 is 60 years old and applicant No.2 is 57 years old. Therefore, taking into consideration their age, supported by documents, liberal approach is required to be taken and therefore, the delay stands condoned.

4. Civil Application stands allowed and disposed of accordingly.
5. Registry to verify and register the first appeal and place it for further consideration on 20.11.2019.

**(SMT. VIBHA KANKANWADI, J.)**

SCM