

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

19 CIVIL APPLICATION NO.4153 OF 2019
IN FAST/8402/2019

DIVISIONAL MANAGER, M.S.R.T.C., DIVISION OFFICE, BEED
VERSUS
KANTABAI LAHURAO GAIKWAD AND ANR MANAGER,
AURANGABAD AND ORS

Advocate for Applicants Mr.Anilkumar B. Dhongade
Advocate for Respondent Nos.1 and 2- Caveator : Mr. A.D. Gade

CORAM : V.L. ACHLIYA, J.
DATED : 25th MARCH, 2019

PER COURT:-

1. Heard the learned counsel for the applicant and the counsel representing respondent nos. 1 and 2 i.e. Caveator.
2. The applicant-appellant has moved this application seeking condonation of 115 days delay in filing the appeal against the impugned judgment and award passed by the Motor Accident Claim Tribunal.
3. In brief, it is the contention of learned counsel for applicant that the delay caused in filing the appeal was on account of procedural compliance i.e. to secure the legal opinion and sanction from higher authorities for filing the appeal.
4. On the other hand, learned counsel for the respondents opposed the application with contention that the cause assigned for condonation of the delay cannot be treated as a sufficient cause to condone the delay.

5. Considering the submissions advanced in the light of reasons assigned for condonation of delay, and taking the note that grounds raised for condonation of delay remain unchallenged and uncontroverted, I am of the view that delay deserves to be condoned. In case, delay is condoned no serious prejudice would be caused to the respondents, as ultimately the appeal will be decided on merit. However, if delay is not condoned there is every likelihood that serious prejudice may be caused to the applicant and the possibility of meritorious matter may be dismissed for technical reasons cannot be ruled out.

6. I am, therefore, inclined to allow the application subject to costs of Rs.5,000/- to be payable to respondents within four weeks from the date of this order.

7. On deposit of costs, the appeal be registered and placed for admission on 22.04.2019.

(V.L. ACHLIYA)
JUDGE

SPR