

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

**21 CIVIL APPLICATION NO.7273 OF 2019
IN FAST/12686/2019**

**SAMPAT KARBHARI @ SAHADU KOLHE AND ORS
VERSUS
RAMDAS APPASAHEB DIGHE AND ANR**

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Advocate for Applicants : Mr. Shelke Shivaji T.
Advocate for Respondent no.1 : Mr. Kanawade Ajay T.

...

CORAM : MANGESH S. PATIL, J.

DATE : 06.12.2019

PER COURT :

Heard.

2. This is an application under Section 5 of the Limitation Act for condonation of delay in filing First Appeal by the original claimants.

3. The learned advocate for the respondent no.1 opposes the application. The respondent no.2 insurance company has been duly served but none appears.

4. The applicants are the original claimants. The claimants are seeking to challenge the order passed by the Tribunal to the extent it fastened the liability on the deceased by way of contribution.

5. There is nothing on the record to show that the delay has been caused with some ulterior motive. Following the principles in the case of **Collector, Land Acquisition Vs. Mst. Katiji ; 1987 (2) S.C.C. 107**, the

delay deserves to be condoned.

6. The application is allowed. The delay is condoned. Register the appeal. Issue notice to the respondents after registration. The learned advocate Mr. Kanawade waives service for the respondent no.1. Call record and proceedings.

(MANGESH S. PATIL, J.)

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