

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

916 CIVIL APPLICATION NO.12173 OF 2018
IN FIRST APPEAL STAMP NO.27725 OF 2018

UTTAM NAMDEO SONAWANE (DIED)
THROUGH HIS LEGAL HEIR LATABAI
VERSUS
VIJAY HIRAMAN GAIKWAD & OTHERS

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Advocate for Applicant : Mr.C.V.Bodkhe h/f.
Mr.R.V.Gore

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CORAM : V.L.ACHLIYA,J.
DATE : 19.12.2019

PER COURT:

1] The applicant has moved this Application seeking condonation of 63 days delay in filing Appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicant-appellant. The respondent nos.1 to 3 though served, absent.

3] In brief, it is the contention of the learned counsel for the applicant-appellant that delay in filing Appeal caused due to death of claimant no.1 i.e. husband of the present applicant no.2 – appellant no.2. It is submitted that after Tribunal has

decided the Claim Petition, the husband of the present applicant no.2 died on 29th July, 2018. He was looking after the proceedings before the Tribunal. After recovering from the shock due to demise of her husband, the applicant no.2 has moved the application seeking certified copies of the judgment and award passed by the Tribunal. In the process, delay of 63 days has been caused in filing the Appeal.

4] On due consideration of the submissions advanced and facts pleaded in the application, which remains unchallenged and uncontroverted, I am of the view that delay deserves to be condoned. If the delay is condoned, no prejudice would be caused to the respondents. Accordingly, Application is allowed in terms of prayer clause-B. Delay is condoned. Appeal be registered subject to removal of office objection.

5] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE