

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

923 CIVIL APPLICATION NO.11898 OF 2017
IN
FAST/30316/2017

SANDHYA PRAKASH SHINDE AND ORS
VERSUS
BHAUSAHEB SURYABHAN GORE AND ORS

...
Mr. P.C.Mayure, Advocate for
applicants.
Ms. Pooja Tayde h/f Mr.
S.G.Chapalgaonkar, Advocate for R-3.
...

CORAM : V.L. ACHLIYA, J.
DATE : 11/12/2019
...

ORAL ORDER:

1. Being aggrieved by rejection of claim petition, the appellants have preferred Appeal along with application seeking condonation of 179 days delay in filing appeal.

2. Heard learned counsel for applicants/appellants and counsel representing respondent No.3/Insurance Company. Respondent Nos. 1 and 2 though served, absent.

3. In brief, it is the contention of learned counsel for applicants that delay caused in filing appeal caused due to poor financial condition of applicants to arrange funds for presenting the appeal. It is submitted that deceased husband of applicant No. 1 was sole bread earner in the family. Applicant Nos. 2 to 4 are students. If delay is not condoned, serious prejudice may cause to them. It is contended that the applicants have good case to succeed in appeal.

4. On the other hand, learned counsel for respondent No. 3 opposed the application with the contention that the cause assigned for condonation of delay is false and concocted and same can not be accepted as sufficient to condone delay.

5. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application, I am of the view the delay deserves to be condoned. The applicant No. 1 is widow of deceased, who met with accident. Applicant Nos. 2 to 4 are prosecuting study. In that view, the say of applicants that delay was caused due to poor financial

condition deserves to be accepted. In case delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reason. I am, therefore, inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause 'B'. Delay condoned. Appeal be registered.

6. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP