

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

934 CIVIL APPLICATION NO.13220 OF 2018
IN
FAST/30079/2018

BHIMRAO SONAJI KAMKAR

VERSUS

PAWANSING SHAMSING DULHAT (DIED) THR
LRS SHAMSING ANDORS

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Mr.C.V.Bodkhe h/f Mr. R.V.Gore,
Advocate for applicant.

Ms. Sayali Tekale h/f Mr.

S.G.Chapalgaonkar, Advocate for R – 3.

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CORAM : V.L. ACHLIYA, J.

DATE : 20/12/2019

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ORAL ORDER:

1. The applicant has moved this application seeking condonation of 194 days delay in filing Appeal for the reasons set out in detail in the application.

2. Heard learned counsel for applicant and respondent No. 3/Insurance company. Respondent Nos. 1 and 2 though served, absent.

3. In brief, it is the contention of learned counsel for applicant that delay caused in filing Appeal was mainly occurred due to poor financial condition of applicant. It is submitted that applicant suffered serious injuries which resulted into amputation of his leg. Due to accident, the applicant lost employment. He had no source of income to meet expenses to file Appeal. Due to this reason, delay has been caused in filing appeal.

4. On the other hand, learned counsel for respondent No. 3/Insurance Company opposed application with contention that reasons assigned are not sufficient. It is submitted that reasons are false and concocted.

5. On due consideration of submissions advanced in the light of unchallenged, uncontroverted pleadings in the application, I am of the view the delay deserves to be condoned. If delay is condoned, no prejudice would cause to respondent No. 3 as the Appeal will be decided on its own merit. On the other hand, if delay is not condoned, there is every likelihood that meritorious matter may be rejected for technical reasons. 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