

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

CIVIL APPLICATION NO.7493 OF 2016
WITH FAST/33078/2015
SUSHMA RAVINDRA GIRASE AND OTHERS
VERSUS
VIJAY VIKRAM BAGLE AND OTHERS

Mr.Lalitkumar S. Mahajan, Advocate for the applicants
Mr.S.B.Darwande, Advocate h/f Mr.S.G.Chapalgaonkar,
Advocate for the respondent No.2

CORAM : S.M.GAVHANE, J.

DATED : 20.02.2019

P.C. :-

. Heard learned counsels for the applicants and respondent No.2.

2. None present for respondent Nos. 1 and 3.

3. Learned counsel for the applicants referring the grounds mentioned in paragraph Nos. 3,4 and 5 of the application submitted that 130 days delay has been caused in filing the appeal against the judgment and award dated 24.03.2016 passed by MACT, Dhule in MACP No.554/2012. As applicant No.1 is illiterate lady and other applicant Nos. 2 to 4 are minor, the applicants could not file the appeal in time and such delay is not intentional and the same needs to be condoned.

4. Learned counsel for respondent No.2 opposed to grant the application.

5. Though learned counsel for respondent No.2 opposed to grant the application, considering the submissions about the reasons of delay referred to above made by the learned counsel for the applicants I find that the applicants have properly explained the delay and there is sufficient ground to condone the same. Therefore, the same is required to be condoned in the interest of justice. Therefore, the application is allowed and disposed of. Delay is condoned.

6. Appeal be registered.

7. On registering the appeal, issue notice to the respondents, returnable on 22.04.2019. Mr.S.B.Darwande, Advocate h/f Mr.S.G.Chapalgaonkar, Advocate waives service of notice for respondent No.2.

8. Call record and proceedings in MACP No.554/2012 from MACT, Dhule.

[S.M.GAVHANE, J.]