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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

921 CIVIL APPLICATION NO.1105 OF 2012
IN FAST/33942/2011

RASHIDA AHEMAD SHAIKH AND OTHERS
VERSUS
M/S SAHYADRI TRANSPORT CO. AND OTHERS

...

Advocate for Applicants : Shri Mundhe Sanjay V.
Respondent no.1 served through affixing notice on the
door.

Advocate for Respondent no.2 : Shri A.G. Kanade
Respondent no.3 served.

CORAM: V.L. ACHLIYA, J.

DATE: 16.04.2019

PER COURT :

1] At the request of learned counsel for the
applicants, leave to delete the name of respondent no.3
is granted at the risk of the applicants.

2] This application is filed by the applicants –
claimants seeking condonation of delay of 77 days in
filing appeal for the reasons set out in detail in the
application.

3] Heard learned counsel for the applicants and the
learned counsel representing the respondent no.2 –
insurance company. Respondent no.1 though served is

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absent.

4] In brief, it is the contention of learned counsel for the applicants that the delay caused in filing appeal was not deliberate, but resulted due to the reasons set out in detail in the application and more particularly for want of proper assistance and guidance for filing the appeal in the matter.

5] Considering the submissions advanced in the light of unchallenged pleadings made in the application and the cause assigned for condonation of delay, I am of the view that the delay deserves to be condoned in the interest of justice. If delay is not condoned, there is every likelihood that serious prejudice would be caused to the applicants who are claimants seeking enhanced compensation. If delay is condoned, the appeal would be heard on its own merits. I am, therefore, inclined to allow the application.

6] The application is allowed in terms of prayer clause (B) and disposed of. Delay condoned. Appeal be registered.

7] Shri A.G. Kanade, learned counsel waives service of notice for the respondent no.2.

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8] Notice be issued to respondent no.1 returnable on 2.7.2019.

9] Parties are put to notice that the appeal may be heard finally at the stage of admission.

(V.L. ACHLIYA, J.)