

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.4129 OF 2018
IN
FIRST APPEAL STAMP NO.12390 OF 2018

Vishnu Shripati Patil & Anr.	...	Applicants.
V/s.		
Sandeep Madhukar Patil	...	Respondent.

Mr.Akshay Kulkarni i/b Akshay Shinde for the Applicants.
None for the Respondent.

CORAM : V.G. BISHT, J.

DATE : 6TH DECEMBER, 2019.

P.C.:

1. Read Application.
2. Heard Mr.Akshay Kulkarni, learned counsel for the applicants. None for the respondents.
3. The applicants are seeking condonation of delay of 85 days in preparing the first appeal against the judgment and award dated 14th September, 2017 passed by the learned Member, Motor Accident Claims Tribunal, Kolhapur in M.A.C. Petition No.667 of 2010.
4. According to the applicants they being layman having no knowledge of procedural requirement of Courts of law as well as period of limitation, it is only after meeting the Advocate they came to know about requirement of filing of appeal. Thereafter somehow they managed funds for filing

present appeal, hence delay of 85 days.

5. Although, the reasons assigned by the applicants are no convincing, yet the fact remains that their contentions are not contested by the respondent by remaining absent. Even otherwise, no prejudice would be caused to the respondent, if the matter is decided on merits after giving opportunity to both sides. Since there is delay of 85 days, the same can be condoned by saddling costs on the applicants.

6. In view of this, the delay of 85 days is condoned subject to payment of the costs of Rs.1000/- which is to be deposited by the applicants with the office of Maharashtra State Legal Services Authority and on depositing the costs, the appeal be registered in accordance with law and be put up for admission after vacation.

(V.G. BISHT, J.)