

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

**CIVIL APPLICATION NO.2566 OF 2013
IN
FIRST APPEAL st. No.4052 OF 2013**

Smt.Devkubai Kashinath Mhatre & ors. ... Applicants

Vs.

Shri Shankar Ramchandra Bhagat & anr. ... Respondent

Mr.T.J. Mendon for the Applicant

Ms.Poonam Mittal for the Respondent No.2

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 4, 2019

P.C.:

1. This is an application for condonation of delay of 70 days in filing the First Appeal. The learned Counsel for the applicants submits that respondent No.1 is served by publication and Respondent No.2 insurance company is represented by Ms.Poonam Mittal.

2. The applicants are the original claimants. They have challenged the impugned award passed by the learned Member, Motor Accident Claims Tribunal, Alibag, seeking enhancement of

the amount of compensation. The learned Counsel submits that the applicants had financial crisis and they took time to engage an advocate and arrange for funds for Court fees. The applicants are from a remote place in Taluka Pen. It is, therefore, prayed that the delay of 70 days be condoned.

3. Learned Counsel for the Insurance Company opposes the application.

4. However, in view of the submissions made by the learned Counsel for the applicants/appellants and considering the period of delay of 70 days, this application is allowed. Delay condoned. The appeal be registered and fixed for admission on 16.7.2019. Ms.Mittal waives notice on behalf of the Respondent/Insurance Company in the First Appeal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)