

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

**CIVIL APPLICATION NO. 1056 OF 2014
IN
FIRST APPEAL ST. NO. 32467 OF 2013**

Mulchand Dhanji Shah & Anr.

...Applicants

Versus

Mr.Noordam Iraj Ahmed & Ors.

...Respondents

Mr.Gaurav M. Parkar for the Applicants.
Ms.Saumen S.Vidyarthi for Respondent No.3.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 11 APRIL 2019**

P.C.:

1. The learned Counsel for the applicants submitted that the applicants i.e., original appellants have completed the substitute service on respondent Nos. 1 and 2.
2. This Application is moved for condonation of 142 days in filing the First Appeal.
3. The learned Counsel for the applicants submitted that there is a delay of 142 days in filing the First Appeal. He further submitted that

respondent No.1 is an owner of the truck and respondent No.2 is a driver of the said truck. Both the respondents have been served, but they did not appear before the tribunal. He pointed out paragraph No.5 of the judgment and award. He further submitted that the applicants i.e., parents have lost their 24 years old son. They have moved this Appeal for enhancement of the award. He further submitted that the applicants took time to collect the copy of the judgment and award and to contact and engage the counsel and hence, there is a delay. He further submitted that the delay is not deliberate. Further, the applicants have a good case on merits.

4. The learned Counsel for respondent No.3 i.e., insurance company opposed this Application.

5. In view of the submissions made by the learned Counsel for the applicants, I allow this Application. The delay of 142 days is hereby condoned.

6. First Appeal be numbered.

(MRIDULA BHATKAR, J.)