

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Application No.1901 of 2018
in
First Appeal St.No.1312 of 2018
(Smt. Sunita Rajeshsingh Rajput and ors. .vs. Rajendra Mahadeorao
Kolambe and another.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. A.P. Chaware, Advocate for Applicants.
Mr. V.P. Maldhure, Advocate for Respondent No.2.

CORAM : Manish Pitale, J.
DATED : September 04, 2019.

This is an application seeking condonation of delay of 84 days in filing the accompanying first appeal. Notice was issued in this application on 09.07.2018 and the respondent no.2- Insurance Company has appeared through counsel. The respondent no.1 has also been served and he is represented through counsel but today, the learned counsel appearing for respondent no.1 is not present in Court.

2. Heard the learned counsel appearing for the applicants and perused the contents of the application for condonation of delay.

3. For the reasons stated in the application, it is found that sufficient cause for condonation of delay is made out and, therefore, the application deserves to be allowed. Accordingly, the application is allowed and the delay is condoned.

First Appeal St.No.1312 of 2018

Heard the learned counsel for the appellants.

2. It is submitted that the Tribunal committed an error in giving a finding that the appellants (original claimants) were entitled to only 50% of compensation from the respondent no.2- Insurance Company as there was contributory negligence on the part of the deceased.

3. Issue notice for final disposal, returnable in six weeks.

4. Mr. V.P. Maldhure, learned counsel, waives notice on behalf of respondent no.2.

5. Call for R. & P.

JUDGE

halwai