

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

CIVIL APPLICATION (CAF) NO.3076/2019

IN

FIRST APPEAL ST. NO.16642/2019

Archana wd/o Subhashkumar Pathe and others

...Versus...

Chaitram s/o Londhu Pachbuddhe and others

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

Court's or Judge's orders

Ms Shweta Salwankar, Counsel for applicant
Shri Bhole, Counsel h/f Ms A.S. Athalye, Counsel for respondent no.2

CORAM : VINAY JOSHI, J.

DATE : 06/12/2019

Heard.

This is an application filed by the original claimants for condonation of delay of 307 days caused in filing the first appeal. The claimants' petition under Section 166 of the Motor Vehicles Act came to be dismissed by the Tribunal. Being aggrieved, the first appeal is filed with application for condonation of delay.

The reason for delay is that the applicants were not advised to challenge the order by the then learned Counsel. It is submitted that after the death of Karta of the family, the applicants were ignorant of their legal remedy.

Having regard to the said fact and especially as the accident claim is dismissed, the delay stands condoned on a condition that in case of success in appeal, the claimants will not be entitled for the interest for the period of delay.

The civil application is allowed and disposed of accordingly. No order as to costs.

FIRST APPEAL ST. NO.16642/2019

Heard.

ADMIT.

Learned Counsel Shri Bhole holding for Ms A.S. Athalye, learned Counsel for respondent no.2 waives service of notice for respondent no.2.

JUDGE

Wadkar, P.S.