

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.4572 OF 2019
IN FAST/7866/2019

VASANT VENKATRAO CHOLE (DIED) THR LRS PRAYAGBAI AND ORS
VERSUS
SINGH DALJEET K BATTH AND ANR

Mr. B. R. Kedar, Advocate for the applicants

CORAM : S. M. GAVHANE, J.

DATED : 04.02.2020

PER COURT :-

. Applicants/ original claimants have filed this application to condone delay of 68 days caused in filing appeal aggrieved by the judgment and award of dismissal of MACP No. 735 of 2010 by the Member, MACT, Nanded.

2. Mr. Kedar, learned counsel appearing for the applicants referring to the grounds mentioned in paragraph Nos. 2 and 3 submitted that original claimant was only earning member of family of the applicants and he used to see day to day affairs of the family and all the outside business of the family including attending and prosecuting the legal proceedings. But due to his sad demise during pendency of petition applicant No. 1 who is old aged mother of the original claimant was only person to look after the family, but as she was suffering from illness due to old age and there being no other member in the house to take her care except applicant Nos. 2 to 4, delay has been caused to collect the funds to pay court fees and

therefore the delay has been caused to file appeal, which is unintentional. It is submitted that therefore delay may be condoned.

3. None present for the respondents.

4. Considering the submissions made by the learned counsel appearing for the applicants, the grounds mentioned in paragraph Nos. 2 and 3 of the application, the fact that after death of original claimant who had filed claim for damages as his vehicle was damaged, there is nobody to look after the family affairs and that the applicant Nos. 2 to 4 were busy in looking after applicant No. 1 old aged mother of the original claimant, I am of the view that the applicants have shown sufficient cause to condone the delay and therefore, the same needs to be condoned in the interest of justice to decide matter on merits.

5. Therefore, application is allowed in terms of prayer clause (B) and delay is condoned.

6. Appeal be registered. After registering the appeal, it be placed for admission on 18/03/2020.

[S. M. GAVHANE, J.]