

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**923 CIVIL APPLICATION NO.8506 OF 2017
IN FAST/8742/2017**

**MATHURABAI SURESH MAHAJAN AND ORS
VERSUS
KASTURBAI PRAKASH MAHIRE AND ANR**

Miss Pratibha B. Khanderao h/f. Mr. Vinod Patil, Advocate
for the applicants.

Mr.V.N. Upadhye, Advocate for respondent No.2.

CORAM : S.M.GAVHANE,J.

DATED : 06.02.2020

P.C. :-

. The applicants-original claimants have filed this application to condone the delay of 273 days caused in filing appeal against judgment and award dated 17.02.2016 passed by the Member, MACT, Jalgaon in MACP No.349 of 2012, as according to the applicants the compensation awarded is inadequate.

2. Learned counsel appearing for the applicants referring to the grounds mentioned in paragraph Nos. 2 and 3 of the application, submitted that the applicants received certified copy of judgment and order on 22.03.2016, but as there is no male member in the family of the applicants to come to Aurangabad for filing appeal and due to rush of work, the delay has been caused, which

is not intentional and therefore same may be condoned.

3. Nobody is present for respondent No.1.

4. Learned counsel appearing for respondent No.2 – Insurance Company though opposed to grant the application, nothing is placed on record to substantiate the objection.

5. Considering the submissions made by learned counsel for the applicants and the grounds referred to above and particularly mentioned in paragraph Nos.2 and 3 of the application, I find that the applicants have shown sufficient cause to condone the delay. Same needs to be condoned to decide the matter on merits. Therefore, in the interest of justice the delay is condoned. Civil Application is allowed in terms of prayer clause (B).

6. The appeal be registered and after registering, same may be placed for admission on 16.03.2020.

[S.M.GAVHANE, J.]