

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO.6474 OF 2013
IN FIRST APPEAL STAMP NO.11969 OF 2013

SHRUTI ANILRAO KULKARNI & OTHERS
VERSUS
ANJALI RAJABHAU WADHI (KULKARNI) & OTHERS

...
Mr.S.S.Chapalgaonkar, Advocate for the
applicants-appellants.
Mr.R.P.Adgaonkar, Advocate for the respondent
no.1.
Mr.M.M.Ambhore, Advocate for the respondent
no.2.

...
CORAM : V.L.ACHLIYA,J.
DATE : 21.02.2020

P.C.

1] The applicants have moved this application seeking condonation of 209 days delay in filing appeal for the reasons set out in detail in the application.

2] Heard learned counsel for the applicants and the respondents.

3] In brief, it is the contention of the learned counsel for the applicants that delay caused in filing appeal cannot be

termed as deliberate and intentional. The Tribunal has awarded only sum of Rs.2,00,000/- on account of death of the father of the applicant nos.1 and 2. The applicants have preferred appeal seeking enhancement of compensation. Due to poor financial condition, the applicants were not arranged for payment of court fees as well as fees to Advocate to file an appeal. In the process, delay of 209 days has been caused in filing appeal.

3] On the other hand, learned counsel for the respondents opposed application with contention that the reasons assigned are false and concocted and cannot be accepted as sufficient cause to condone delay.

4] On due consideration of the submissions advanced in the light of overall facts of the case, unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of the view that delay deserves to be condoned. Accordingly, application is allowed in terms of prayer clause-B. Delay condoned.

5] Appeal be registered. Office objections, if any, be removed within two weeks from the date of registration of appeal.

6] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC