

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO.7105 OF 2017
IN FAST/14023/2017

USHABAI PANDURANG PADOLE AND ORS
VERSUS
MSRTC, THR ITS DIV. CONTROLLER PARBHANI

Mr.S.M. Gunjal h/f. Mr. P.N. Kalani, Advocate for the applicants.

Mr.A.D. Wange, Advocate for sole respondent.

CORAM : S.M.GAVHANE,J.

DATED : 06.02.2020

P.C. :-

. The applicants-original claimants have filed this application to condone the delay of 161 days caused in filing appeal against judgment and award dated 25.07.2016 passed by the learned Chairman, MACT, Parbhani, in MACP No.575 of 2011.

2. Learned counsel appearing for the applicants by referring to the grounds mentioned in paragraph Nos.2 to 5 of the application submitted that the appeal was required to be filed on or before 13.11.2016, but as the applicant No.1 - widow of deceased and applicant Nos. 2 to 6 - children of the deceased who are taking education, were under deep sorrow and only after getting compensation amount they could arrange for court fees to

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

3. Learned counsel appearing for the respondent though opposed to grant the application, there is no material to substantiate the objection.

4. Considering the submissions made by learned counsel appearing for the applicants and grounds referred to above, particularly in paragraph Nos. 2 to 5 of the application, I am of the view that the applicants have shown sufficient cause to condone delay and as it is not deliberate, same needs to be condoned. Therefore, the delay is condoned and the application is allowed in terms of prayer clause (B).

5. The appeal be registered and same be placed for admission on 02.03.2020.

[S.M.GAVHANE,J.]