

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

**925 CIVIL APPLICATION NO.7094 OF 2017
IN FAST/14028/2017**

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

...
Advocate for the Applicant : Mr. Pravin N. Kalani

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**CORAM : S. M. GAVHANE, J.
DATED : 05/02/2020**

PER COURT:

. The applicant-original claimants have filed this application to condone delay of 164 days caused in filing appeal against the judgment and award dated 25/07/2016 passed by the Chairman, Motor Accident Claims Tribunal, Parbhani in MACP No.572/2011, as according to the applicants, compensation awarded by the Tribunal is inadequate.

2. Mr. Kalani, learned counsel appearing for the applicants referring the grounds of delay mentioned in paragraph Nos.3, 4 and 5 of the application submitted that after the impugned judgment and award, the applicants received the certified copies of the same on 20/08/2016. The appeal was required to be filed on or before 10/11/2016. But as the applicant No.1 is unfortunate widow of the deceased and applicant Nos.2 and 3 are the minor

children of the deceased, who are taking education, the delay has been caused in filing the appeal, as the applicants had to wait till the amount of compensation was received, to make arrangement for making expenses of the appeal. It is submitted that in these circumstances, the delay has been caused, which is an unintentional. It is submitted that the applicants have hope of success in the appeal and therefore, the delay may be condoned by allowing the application.

3. Respondent-sole is served with the notice but nobody has appeared for it.

4. Considering the submissions made by the learned counsel appearing for the applicants and the grounds of delay referred to above, particularly, mentioned in paragraph Nos.3, 4, and 5 of the application, I am of the view that the applicants have shown sufficient cause to condone the delay and the delay needs to be condoned. Therefore, the delay is condoned and the application is allowed in terms of Prayer Clause **"B"**.

5. Appeal be registered. After registering the appeal, it be placed for further consideration admission on 02/03/2020.

[S. M. GAVHANE, J.]