

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.8836 OF 2019 IN
FA(STAMP) NO.15737 OF 2019

THE M.S.R.T.C., DIVISION, AHMEDNAGAR
VERSUS
VARSHA TUKARAM MORE AND ORS

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Mr.B.S. Deshmukh, Advocate for applicant.

Mr.D.R. Jayabhar, Advocate for respondent nos.1 to 3.

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CORAM: V.L. ACHLIYA,J.

DATE : 08.01.2020

ORAL ORDER:

The applicant moved this application seeking condonation of 129 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicant and the respondents-claimants.

3. In brief, it is the contention of learned counsel for the applicant that the delay caused in filing appeal cannot be termed as intentional and deliberate. It is submitted that after the judgment and award passed and receipt of communication from the panel Advocate, the proposal was processed for filing appeal. The proposal was finally

referred for consideration and opinion to its head office. In that process, there was 129 days delay in filing appeal. It is submitted that the appellant have good case to succeed on merits. The appellant have challenged the award passed on the ground that the vehicle in question was not involved in the accident. In case, the delay is not condoned, there is every likelihood that the meritorious matter may be rejected for technical reason.

4. Learned counsel for the respondents strongly opposed the application with contention that the reasons assigned cannot be termed as sufficient cause for condoning the delay. It is submitted that the reasons assigned are false and concocted.

5. On due consideration of submissions advanced in the light to unchallenged and uncontroverted pleadings made in the application assigning the reasons, I am of the view that the delay deserves to be condoned. In case, the delay is condoned, no prejudice would cause to the respondents as ultimately the matter will be decided on merits. In terms of the interim order passed by this Court, the appellant had deposited

the amount of award. I am therefore inclined to allow the application. Accordingly, the application is allowed in terms of prayer clause "B". Delay condoned. The appeal be registered, subject to removal of office objection, if any.

6. Civil Application is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE

SGA