

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

**936 CIVIL APPLICATION NO.12336 OF 2019
IN FAST/28722/2019**

**MANISHA SUDHAKAR GAIKWAD AND ORS
VERSUS
BALAJI MADHUKAR SHIRURE AND ANR**

Mr.Ram B. Deshpande, Advocate for the applicants.
Mr.Sk. Ashraf Patel h/f. Mr. A.D. Wange, Advocate for
respondent No.1.

**CORAM : S.M.GAVHANE,J.
DATED : 12.02.2020**

P.C. :-

. The applicants have filed this application to condone delay of 387 days caused in filing appeal against judgment and award dated 04.05.2018 passed by the Ex-Officio Member, Motor Accident Claims Tribunal, Latur in MACP No.90 of 2014, as according to the applicants inadequate compensation has been awarded.

2. Learned counsel appearing for the applicants referring to the grounds mentioned in paragraph Nos. 2(A),(B),(C),(D),3 and 4 submitted that the applicants received copies of the judgment and award under challenge on 09.07.2018. They received the compensation amount and thereafter all the papers were handed over to the

advocate from Trial Court to do the needful for filing this appeal and then the advocate from the Trial Court sent papers to the advocate at Aurangabad and thus the delay has been caused, which is not intentional. It is submitted that the said delay may be condoned and if it is not condoned, the applicants will suffer irreparable loss.

3. Learned counsel appearing for respondent No.1 though opposed to grant the application, there is no material to substantiate the objection.

4. Though served, nobody is present for respondent No.2-Insurance company.

5. I have carefully considered the submissions made by learned counsels for the applicants and respondent No.1. Considering the submissions and the grounds referred to above, particularly mentioned in paragraph Nos.2(A),(B),(C),(D),3 and 4 of the application, I am of the view that the applicants have shown sufficient cause to condone the delay and therefore same needs to be condoned in the interest of justice. Therefore, the delay is condoned. The application is allowed in terms of prayer clause (B).

(3)

ca12336.19

6. The appeal be registered. After registration, place the appeal for admission on 08.04.2020.

[S.M.GAVHANE, J.]