

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO.1917 OF 2017
IN FAST/30128/2016

BHAGESHREE MALLIKARJUN HASURE AND ANR
VERSUS
MUKESH VENKATRAO ALGUDE AND ORS

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Mr.F.K. Patel, Advocate for applicants.
Mr.R.F. Totala, Advocate for respondent no.3

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CORAM: V.L. ACHLIYA, J.
DATE : 18.02.2020

ORAL ORDER:

The applicants have moved this application seeking condonation of 69 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicants and the counsel representing the respondent no.3. The respondent nos.1 and 2 though served absent.

3. In brief, it is the contention of learned counsel for the applicants-appellants that the delay caused in filing appeal cannot be termed as intentional and deliberate. It is submitted that the deceased was only bread

earning member in the family. The applicant no.1 is illiterate lady. After seeking legal advise and arranging for the funds she could present the appeal. In the process, there is 69 days delay caused in filing appeal.

4. On the other hand, the learned counsel for respondent no.3 - insurance company opposed the application with contention that the reasons assigned are false and concocted and not sufficient to condone the delay.

5. On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application and the delay being only 69 days, the same cannot be termed as intentional and deliberate. If the delay is condoned, no serious prejudice would cause to respondents as ultimately the case will be decided on merits. Accordingly, the application is allowed in terms of prayer clause "A". Delay condoned. Appeal be registered subject to removal of office objections.

6. Civil Application is disposed of in
above terms.

[V.L. ACHLIYA]
JUDGE

SGA