

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO.166 OF 2013
IN FAST/31676/2012

PUSHPA SANTOSH MUNDADA AND ORS
VERSUS
SURJEET SINGH AND ANR

Mr.M.M. Bhokarikar, Advocate for the applicants.
Mr.M.M. Ambhore, Advocate for respondent No.2.

CORAM : V.L.ACHLIYA,J.
DATED : 08.12.2020

P.C. :-

01. The applicant has moved this application for condonation of 205 days delay in filing appeal, for the reasons set out in detail in application.

02. In brief, it is contention of the applicants that the delay caused in filing appeal was not intentional, but it is caused due to poor financial condition and proper legal assistance.

03. Mr. Ambhore, learned counsel for respondent No.2 opposed the application with contention that the reasons assigned are false and concocted and assigned just to get the delay condoned. It is submitted that the applicants have no case to succeed in appeal.

04. On due consideration of the submissions advanced, in the light of overall facts of the case and further considering the uncontroverted pleadings made in the application seeking condonation of delay, I am of the view that the delay deserves to be condoned. The applicant has moved the appeal seeking enhancement of compensation. However, if delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reasons. I am, therefore, inclined to allow this application and pass following order :-

- i. Application is allowed in terms of prayer clause (B), subject to condition that the applicants shall not be entitled to interest, if any, of the period for which delay has been caused in filing the appeal.
- ii. Delay is condoned.
- ii. Appeal be registered.

[V.L.ACHLIYA,J.]