

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.4204 OF 2019
IN FAST/34235/2018

VITTHAL RAMRAO GHULE AND ORS
VERSUS
AMBADAS BHANUDAS GHULE AND ANR

Mr. S. E. Shekade, Advocate for the applicants
Mr. S. S. Patil, Advocate for respondent No. 2.

CORAM : S. M. GAVHANE, J.
DATED : 04.02.2020

PER COURT :-

. Applicants/ original claimants have filed this application to condone delay of 27 days caused in filing appeal aggrieved by the judgment and award dated 02/07/2018 passed by the Member, MACT, Beed in MACP No. 47 of 2015.

2. Learned counsel appearing for the applicants referring the grounds mentioned in paragraph Nos. 3, 4 and 5 of the application submitted that after receiving copy of judgment and award applicants met advocate from Aurangabad for filing appeal and at that time they came to know that mere court fees is not sufficient to file the appeal but amount of statutory deposit is necessary

and then after arrangement of statutory deposit they have filed appeal. Therefore, delay has been caused, which is not intentional. Therefore it needs to be condoned by allowing the application.

3. Respondent No. 1 served with the notice but nobody has appeared for said respondent.

4. Mr. Patil, learned counsel appearing for respondent No. 2-Insurance Company has opposed to grant the application, but there is no material to substantiate the objection.

5. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in paragraph Nos. 3,4 and 5 of the application, I am of the view that applicant has shown sufficient cause to condone the delay and the same needs to be condoned in view of decisions of the Apex Court in Collector, Land Acquisition, Anantnag Vs. Ms. Katiiji and others reported in AIR 1987 SC 1353 and Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others reported in (2013) 12 Supreme

Court Cases 649. Therefore, application is allowed in terms of prayer clause (B) and delay is condoned.

6. Appeal be registered. After registering the appeal, it be placed for admission on 18/03/2020.

[S. M. GAVHANE, J.]