

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 CIVIL APPLICATION NO.15282 OF 2019
IN FAST/40349/2019

ASHATAI HANUMANTRAO BOBDE AND ORS
VERSUS
M.S.R.T.C., THR DIVISIONAL CONTROLLER,
PARBHANI

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Mr.M.P. Kale, Advocate for the applicants.
Mr.M.K. Goyanka, Advocate for respondent.

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CORAM: V.L. ACHLIYA,J.
DATE : 21.02.2020

ORAL ORDER:

The applicants-claimants have moved this application seeking condonation of 122 days delay in filing appeal for the reasons set out in detail in the application.

2. Heard learned counsel for the applicants and learned counsel representing respondent.

3. In brief, it is the contention of learned counsel for the applicant that the delay caused in filing appeal cannot be termed as deliberate and intentional. It is submitted that the applicants have filed the appeal seeking enhancement of compensation.

It is submitted that the respondent – M.S.R.T.C. has also preferred appeal. After seeking advise from the Advocate, the applicants have taken steps to prefer appeal. In the process, the delay of 122 days occurred in filing appeal. It is submitted that the applicants have good case to succeed on merits. If the delay is not condoned, it is every likelihood that the meritorious matter may be rejected for technical reason. On the contrary, if the delay is condoned, no prejudice would cause to other side.

4. On the other hand, the learned counsel for the respondent opposed the application with contention that the reasons assigned cannot be termed as sufficient to condone the delay. It is submitted that the applicants have sufficient means to file appeal. The reasons assigned are false and concocted.

5. On due consideration of submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause for condonation of delay, I am of view, the delay deserves to be condoned. Accordingly, the application is

allowed in terms of prayer clause "B". Delay condoned. The appeal be registered.

6. Office objections, if any, be removed within two weeks from the date of registration of appeal.

7. Civil Application is disposed of in above terms.

[V.L. ACHLIYA]
JUDGE

SGA