

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

**CIVIL APPLICATION NO.13126 OF 2017
IN FAST/17294/2017**

**SOMAJI UDAJI CHAVAN AND OTHERS
VERSUS
SHRI SAIBABA AUTO SERVICES THROUGH ITS PROP. MOHAN R.
NEMANIWAR AND ANOTHER**

...
Advocate for Applicants : Shri Avinash D. Hande
Advocate for Respondent No.1 : Shri J. V. Patil h/f Shri G. A. Gadhe
...

CORAM : B. U. DEBADWAR, J.

DATE : 18th JANUARY, 2021

PER COURT :

1. This is an application for condonation of delay of 81 days, caused in preferring appeal against the judgment and award dated 15-11-2016, passed by the learned Adhoc District Judge-1 & Ex-Officio Member M.A.C.T., Nanded in MACP No. 443 of 2010, whereby the claim is partly allowed.

2. Heard Shri Avinash D. Hande, learned advocate for the applicants / appellants and Shri J. V. Patil, learned advocate for respondent No.1. None appeared for respondent No.2, though served with notice.

3. Shri Avinash D. Hande, advocate for the applicant submits that deceased Rajendra Somaji Chavan was the only

earning member of his family consisting of he himself and applicants. Applicants have no independent source of income. Due to paucity of money, they could not prefer appeal against the impugned judgment and award within a period of limitation. After receiving the amount awarded by the learned Tribunal, immediately they have taken steps and preferred the appeal along with present application. The short delay of 81 days is neither intentional nor due to negligence, therefore, deserves to be condoned.

4. Shri J. V. Patil, learned advocate for respondent No.1 submits that application may be allowed.

5. In view of the aforesaid grounds which are sufficient to condone the delay, this application is allowed. The delay of 81 days caused in preferring appeal against the impugned judgment and award is hereby condoned.

6. The appeal be registered, if it stands with the scrutiny.

(B. U. DEBADWAR, J.)