

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

**CIVIL APPLICATION NO.9041 OF 2021
IN
FAST/26039/2020**

**SAVITRIBAI W/O SATISH SONTAKKE AND OTHERS
VERSUS
SANTOSH S/O MOHANSING RAJPUT AND ANOTHER**

....

Mr. Suhas R. Shirsat, Advocate h/f Mr. S.N. Patil, Advocate for the Applicants
Ms. Sayali S. Tekale, Advocate h/f Mr. S.G. Chapalgaonkar, Advocate for Respondent No.2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 08th DECEMBER, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / original claimants. There seems to be delay of 271 days in preferring the first appeal.

2. Heard Mr. Suhas R. Shirsat, learned counsel holding for Mr. S.N. Patil, learned counsel for the applicants / original claimants and Ms. Sayali Tekale, learned counsel holding for Mr. S.G.

Chapalgaonkar, learned counsel for respondent no.2. None present for respondent no.1, though duly served.

3. Ms. Sayali Tekale, learned counsel holding for Mr. S.G. Chapalgaonkar, learned counsel for respondent no.2 strongly opposed to condone the delay. She submits that no sufficient reasons are assigned by the applicants to condone the delay.

4. The appeal is arising out of accident claim. The Tribunal seems to have dismissed the claim mainly on two grounds; (i) involvement of the vehicle is not proved and (ii) the driver of the offending vehicle was not possessing permanent licence at the time of the accident. The impugned judgment and award has been challenged on the various grounds. Certain arguable points are involved in the appeal. It may not be proper to refuse the prayer for condonation of delay. The applicants have assigned reasons in their applications for condonation of delay, more particularly in paragraph nos. 5 to 7. They could not file the appeal within time due to financial constrain as well as Covid-19 pandemic. For the reasons stated in the application for condonation of delay, more particularly in paragraph nos. 5 to 7, delay needs to be condoned.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (B).
- (ii) Registry to make scrutiny of the appeal and register the same as per due procedure, and thereafter, it be placed before the concerned Court for admission.
- (iii) The question regarding interest in respect of delayed period would be decided while deciding the main appeal on the merits.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane