

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3391 OF 2019
IN
FIRST APPEAL (STAMP) NO. 14603 OF 2019**

Vishwanath Ramdas Tike & Anr.	Applicants
<i>Versus</i>	
Arun Jagannath Kashelkar & Anr.	Respondents

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Mr. Netaji Gawade i/b Sanjay Udeshi & Co. for the Applicants.

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CORAM : SURENDRA P. TAVADE, J.

DATE : 22nd OCTOBER, 2021

P.C.:

1. This is an application for condonation of delay in filing the appeal against the impugned Judgment and award passed by Motor Accident Claims Tribunal, Satara, in M.A.C.P No. 267 of 2016. It is contended that the Applicants lost their two children in the accident and both of them were not keeping well, therefore, they could not contact the Counsel for filing the appeal. The claim of the Applicants was partly allowed. It is contended that no such harm or prejudice will be caused to the Respondents if delay is condoned.

2. Notice of this application was served upon the Respondents. The Applicants have filed affidavit of service of summons on the Respondents. It appears from the acknowledgment produced on record (Exhibit-B), that

Respondent was served in the month of January, 2020, but he remained absent. On going through the application and cause given by the Applicants for condonation of delay appears to be just and sufficient. Therefore, delay is required to be condoned. Hence, I pass the following order:

ORDER

- i) The delay in filing appeal against the impugned judgment and award passed by Member of Motor Accident Claims Tribunal, Satara, in M.A.C.P. No. 267 of 2016 is hereby condoned. Civil Application No. 3391 of 2019 stands disposed of.
- ii) Registry is directed to take appropriate steps for registration of the appeal and place it for hearing after four weeks.
- iii) Stand over to 3rd December, 2021.

[SURENDRA P. TAVADE, J.]