

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

**CIVIL APPLICATION NO.243 OF 2017
IN
FIRST APPEAL (ST) NO.14171 OF 2016**

Smt. Swati Anant Wagh & Ors.	... Applicants
Vs.	
M/s. Antaeus Rent A Car Pvt. Ltd. & Ors.	... Respondents

Mr. Bharat Gadhavi i/by Tejesh Dande & Associates for applicants.	
Ms. Varsha Chavan for respondent No.3.	
Mrs. Jyoti Bajpayee Pandey for respondent No.4.	

CORAM: ABHAY AHUJA J.

DATE : 18TH SEPTEMBER, 2021

P.C.:

1. Heard. Learned counsel for applicants submits that there is a delay of 74 days in preferring the appeal against the judgment, order and award dated 16th April, 2015 passed by the Motor Accident Claims Tribunal, Mumbai in Claim Application No.2362 of 2002, thereby allowing the claim of applicants and directing respondents to pay an amount of Rs.4,86,800/- to applicants with interest @ 6% per annum from the date of Claim Application till its realisation.

2. Learned counsel draws the attention of this Court to

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paragraphs 2 to 5 to explain the delay.

3. Learned counsel representing respondent Nos.3 and 4 have no particular objection to the condonation of delay. As against respondent No.1, pursuant to the order dated 17th October, 2019 passed by Registrar (Judicial), the civil application has been dismissed. Respondent No.2, though served, is not appearing.

4. Having heard learned counsel for the parties and having perused the reasons in paragraphs 2 to 5 of the application, this court is of the view that sufficient cause has been given explaining the delay. The delay of 74 days in filing the first appeal is hereby condoned.

5. Civil Application is disposed of.

6. List the appeal for admission on 05/10/2021, when the endeavour would be made to dispose of the first appeal at the stage of admission itself.

7. The applicants are directed to serve a copy of the compilation well in advance on the counsel for the respondents before the next date.

(ABHAY AHUJA, J.)