

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.216 OF 2021
IN
FIRST APPEAL STAMP NO.97763 OF 2020**

Kundalik Dnyaneshwar Salunke	... Applicant
V/s.	
Sangita Balasaheb Pawale & Ors.	... Respnodents.

Ms. Smita Durve for the Applicant.
None for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATE : 22ND DECEMBER, 2021

P.C:-

1. Heard Ms. Smita Durve, learned Advocate appearing for the Applicants. Despite notice, none appears for the Respondents.
2. Civil Application is filed for condonation of delay of 303 days in filing the First Appeal.
3. The First Appeal is filed challenging the judgment and award dated 7th September 2019 passed by the Motor Accident Claims Tribunal in Motor Accident Claim Petition No.381 of 2014. The certified copy was applied on 18th September 2019 and the same was delivered on 14th November 2019. It is stated in the Application that the local Advocate was consulted in November 2019 and after perusal of all documents, he advised filing of the First Appeal. The Applicant after collecting all documents approached the

present Advocate in the month of February 2020 and the present Advocate informed about requirement of deposit of statutory amount of Rs.25,000/- at the time of filing of First Appeal, in addition, the Court fees and other expenses. It is stated in the Application that the time was required for arranging for funds and in the meanwhile due to Covid-19 and lockdown, the Applicant could not collect necessary funds and, therefore, there is delay in filing the First Appeal.

4. Although the Respondents are served, none appears for the Respondents and neither any Affidavit in Reply is filed on their behalf. Thus, the contentions raised in delay condonation application have remained uncontroverted. As there is sufficient cause shown, the Civil Application is allowed in terms of prayer clause (a).

5. Civil Application is disposed of accordingly

[MADHAV J. JAMDAR, J.]