

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 2133 OF 2019
IN
FIRST APPEAL ST. NO. 17585 OF 2018

Nikita wd/o Narendra Dandekar and ors.

..VS..

Dharmesh s/o Mukund Ved and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Mirache, Advocate for applicants.
Shri R.D. Bhuibhar, Advocate for respondent no.2

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 13/01/2021

1. By this application, the applicants are seeking to condone the delay of 56 days in filing the appeal against the judgment and award dated 14.03.2018 in M.A.C.P. No. 1013 of 2013.

2. Counsel for the respondent no. 2 vehemently opposes the application on the ground that the applicant has not made out sufficient cause to condone the delay.

3. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties. The applicants, who are the aged parents, widow and the minor children of the deceased Narendra Dandekar, seek to challenge the judgment and award as the Claim Tribunal in M.A.C.P. 1013 of 2013. The applicants have stated that the deceased was the only earning member and that they were unable to file the appeal within time due to financial constraints. The

reasons disclosed the applications indicate that the applicants have not been negligent or callous. They have made out sufficient cause to condone the delay.

4. Hence the application is allowed. The delay is condoned.

FIRST APPEAL NO. _____ OF 2021

Heard.

2. **ADMIT.**

3. Call for the Record and Proceedings.

4. Learned Counsel R.D. Bhuibhar waives notice on behalf of respondent no. 2.

JUDGE

Trupti