

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

901 CIVIL APPLICATION NO.6695 OF 2018
IN FAST/10275/2018

SUMANBAI DAGA PATIL AND ANR

VERSUS

RAJESH PANCHAL AND ORS

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Advocate for Applicants : Mr S.S. Patil

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 16th February 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicants/original claimants.
2. Heard Mr S.S. Patil, learned counsel for the applicants/original claimants.
3. Respondent Nos. 1 to 3 though duly served with notices, remained absent.
4. Mr Patil, learned counsel for the applicants informed that respondent No.2/ICICI Lombard General Insurance Company Ltd. has also preferred an appeal against the impugned Judgment and Award passed by the Motor Accident Claims Tribunal, Dhule. Still, respondent No. 2 has not put its appearance and remained absent since October, 2018. He submitted that the applicants are poor persons. They could not get amount of compensation despite the order in their favour. They could not arrange for the funds to prefer an appeal which resulted in delay. Mr Patil urged to condone the delay in above scenario.

5. On perusing the record, it seems that there is delay of 488 days in preferring the appeal which comes to more than one year. It is revealed that though the Tribunal has passed the Award in favour of the applicants for compensation of amount of Rs.2,00,000/- including NFL with interest @ 7% per annum, they could not get any amount of compensation.

6. Having regard to the nature of dispute and for the reasons stated in the application for condonation of delay more particularly para Nos. 6 to 8, it is necessary to condone the delay.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (B).
- (ii) Registry to make scrutiny of the appeal as per the procedure and it be numbered and placed before the Court for admission.
- (iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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