

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

CIVIL APPLICATION NO.985 OF 2021 IN FAST/13545/2020

**DEVALYA MAULYA GAVIT AND OTHERS
VERSUS
VIJAY SOMA MARNAR AND OTHERS**

....

Mr. P.C. Mayure, Advocate for the Applicants
Mr. Swapnil S. Patil, Advocate for Respondent No. 3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st FEBRUARY, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / original claimants.
2. Heard Mr. P.C. Mayure, learned counsel for the applicants / original claimants and Mr. Swapnil Patil, learned counsel for respondent no. 3 /ICICI Lombard General Insurance Company Ltd. Mr. S.D. Kamble, learned counsel for respondent nos. 1 and 2 remained absent, when matter is called out.
3. Mr. Mayure, learned counsel for the applicants / original claimants submitted that there is delay of 199 days in preferring the appeal. It needs to be condoned in the interest of justice. The

claimants have preferred this appeal for enhancement of compensation. They have assigned sufficient reasons for condonation of delay.

4. Mr. Swapnil Patil, learned counsel for respondent no.3 strongly opposed to condone the delay. He submitted that no sufficient reasons are assigned by the applicants / claimants for condonation of delay.

5. Perused the affidavit-in-reply filed on behalf of respondent nos. 1 and 2 dated 13.12.2021, thereby both of them raised strong objection to condone the delay.

6. Having regard to the submissions of learned counsel for both the sides and on perusing the application for condonation of delay, it is noticed that there is delay of 199 days in preferring the appeal. The original claimants intend to file appeal for enhancement of compensation. However, they could not file the same within limitation due to short of funds. They seem to have lost their young son in the accident. By looking to the nature of dispute and the reasons stated in the application, more particularly para nos. 4 to 7, it is necessary to condone the delay.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (B).
- (ii) Registry to make scrutiny of the appeal and register the same as per due procedure, and thereafter, it be placed before the Court for admission.
- (iii) Call R & P from the concerned Court.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane