

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

48 CIVIL APPLICATION NO.13122 OF 2021
IN FAST/30689/2021

DHARMA GAJMAL JOGI AND ANR
VERSUS
ANIL PRAKASH SAPKALE AND ANR

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Advocate for Applicants : Mr. Patil Jitendra V
Advocate for Respondents : Mr. Wagh Jitendra M.

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CORAM : ANIL L. PANSARE, J.
DATE : 4th July, 2022

PC.:-

This is an application for condonation of delay of 1368 days in preferring the appeal against the judgment and award passed by the Motor Accident Claims Tribunal, Jalgaon in M.A.C.P. No. 271/2012 decided on 20.11.2017.

2. Learned counsel for the applicants submit that the delay is not intentional. The applicants are poor persons and have lost their son in tragic accident. The applicants were in financial crisis. The applicants were dependent upon the compensation award and have no other source of income and therefore they were unable to pay the amount of court fees. It requires some time to arrange for the amount of court fees. Thereafter, some time has

been consumed in taking legal advice to prefer appeal. Accordingly, prayed for condonation of delay.

3. Learned advocate for non-applicant submits that delay has not been properly explained.

4. The non-applicants have not attributed *mala fides* to the applicants in filing belated appeal. Accordingly, for the reasons assigned in the application for condonation of delay and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order:-

- i) The delay is condoned. Civil Application is disposed of accordingly.
- ii) First Appeal Stamp Number be registered.

[ANIL L. PANSARE, J.]