

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.4 OF 2022
IN
FIRST APPEAL (STAMP) NO.22968 OF 2019**

Maharashtra State Road Transport
Corporation and Anr.

...Applicants

Versus

Smt. Chaya Somnath Ingole and
Ors.

...Respondents

....

Mr. Amit Gharte for Applicant No.2.

Mr. Prasad Avhad i/b. Mr. Kuldeep Nikam for Respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard learned counsel for the respective parties.
2. Learned counsel appearing for the Applicant No.2 submits that there is a delay of 175 days in filing the First Appeal challenging the impugned judgment dated 14/12/2018 and award dated 07/02/2019 passed by the learned Ad-hoc District Judge-1, Pandharpur, in M.A.C.P. No.14 of 2017 thereby allowing the claim and granting compensation of Rs.12,63,000/- at the rate of 9% interest p.a. from the date of institution of the petition till full realisation of the amount.

3. The learned counsel for the Applicant submits that sufficient reasons have been given in paragraphs 2(a) to 2(g) for condonation of delay in filing the first appeal.

4. It is submitted that the delay is caused because of the administrative procedure, which was required to be followed before filing of the appeal. He further submits that the way in which the award has been passed, it is necessary in this matter to look into the merits of the appeal and therefore the delay in this matter may be condoned. He has submitted that the delay is not intentional but bonafide.

5. Learned counsel for Respondent No.3 opposes the application and press for dismissal of the same.

6. After going through the application, it is revealed that details have been given as regards the procedure followed for administrative approval, obtained for filing the appeal. In absence of any reply opposing the application or disputing the facts stated in the application, I am of the opinion that sufficient cause has been shown in the application for condonation of delay. Accordingly, I pass the following order:

ORDER

- (i) The application for condonation of delay is allowed;
- (ii) The delay caused in filing First Appeal is condoned. The office is requested to register the First Appeal and place the same before the Court for admission.

(ANIL S. KILOR, J.)