

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4133 OF 2021
IN
FIRST APPEAL STAMP NO. 21635 OF 2021**

Jyoti Vishwanath Maragaje and ors.

....Applicants/
Appellants

Versus

1. Sarika Ashok Maragaje
2. ICICI Lombard Gen. Ins.Co.Ltd.

....Respondents

Mr. T. J. Mendon, Advocate for the Applicants/Appellants.

Mr. Rajesh Kanojia, Advocate for Respondent No.2.

CORAM : S. G. DIGE, J.

DATE : 13th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent No.2.

2. Learned counsel for the applicants submits that the applicants have challenged the impugned order passed by the Tribunal. Learned Tribunal has dismissed the claim petition of the applicants. There is delay of 3 years and 85 days in filing the appeal. The applicants are poor persons, they were not aware

about the procedure for filing appeal. After contacting an advocate, the appeal is filed. There was death of the husband of applicant No.1, who was the Karta of the family. Hence, requested to condone the delay.

3. Learned counsel for respondent No.2 strongly objected to allowing the application on the ground that the delay is huge delay, no sufficient reasons are given to condone the delay. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicants' claim petition for getting compensation is dismissed. The deceased was the Karta of the applicants' family. They are seeking justice by way of appeal. The applicants are poor and illiterate. They were not aware about the procedure for filing the appeal. Hence, the delay is caused. The reasons given for condonation of delay are proper. Hence, I pass the following order :

1. The application is allowed.
2. Delay of 3 years and 86 days in filing appeal is condoned.

3. The applicants shall not claim interest on delayed period, if they succeed in the appeal. They shall file an undertaking in that regard.
4. The appeal be registered.

Civil application stands disposed of.

(S. G. DIGE, J.)