

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (F) No.3886/2017 in First Appeal St. No.18895/2015

Smt. Raheema w/o Shaikh Abdul Rasheed thr Lrs and others V Abdul Latif Khan and
another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.U. Malode, Advocate for applicants.
Mr. C.A. Anthony, Advocate for non-applicant no.2.

CORAM : ABHAY AHUJA, J.
DATE : 27-09-2022

Heard.

2. By this application, the applicants are seeking condonation of delay of 9 days in filing the Appeal against the judgment and order dated 28-05-2015 passed by the M.A.C.T., Nagpur in Claim Petition No.1007/2005, partly allowing the claim of the claimants. The learned Counsel for the applicants draws attention of this Court to paragraphs 3 to 5 of the application in support of his contention to condone the delay.

3. The learned Counsel for the applicants submits that the impugned decision was passed on 28-05-2015 and since the applicants were in private job and financially weak, they were unable to approach this Court. It is submitted that when they came to know from the trial Court that compensation only to the extent of the 'No Fault Liability' was awarded by the impugned judgment, application for certified copy was made on 13-07-2015

and the same was received on 05-08-2015. As they had difficulty in arranging the funds for filing the Appeal, the same was arranged on 22-09-2015 and this Appeal was filed on 28-09-2015.

4. Learned Counsel for the non-applicants has raised his formal objection to the application for condonation of delay.

5. Having heard the learned Counsel for the applicants and having perused the application, this Court is satisfied that there is sufficient cause made out for condonation of delay.

6. The delay of 9 days in filing this Appeal is condoned.

7. The Registry is directed to register the First Appeal within a period of two weeks.

8. Application stands disposed.

First Appeal St. No.18895/2015

Heard.

2. The Appellants are directed to serve the copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of four weeks and file an affidavit of service with tangible proof in this Court by the next date.

3. List the matter on 15-11-2022.

(Abhay Ahuja, J.)