

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

925 CIVIL APPLICATION NO.2245 OF 2022
IN FAST/5978/2021
WITH
FIRST APPEAL STAMP NO.5978 OF 2021

SUNANDABAI KAILAS PATIL (THAKRE) & OTHERS
VERSUS
KEVALBAI MURLIDHAR PATIL & ANOTHER

...

Advocate for Applicants : Mr.A.D.Mane h/f. Mr.A.S.Sawant
Advocate for Respondent no.2 : Mr.A.S.Usmanpurkar

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CORAM : ARUN R. PEDNEKER, J.
DATE : 27.09.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay of 755 days in filing the First Appeal.

2] The appeal is filed by the widow and children of the deceased, challenging the award passed by the Motor Accident Claims Tribunal, Dhule in MACP No.98/2023.

3] The learned counsel for the applicants submits

that the applicants are illiterate and they were not aware about the legal procedure. In the month of January, 2020, they were advised by the advocate that they can seek enhancement of compensation before the Court. Due to poor financial conditions of the applicants, they could not arrange the fund to file the appeal for enhancement of compensation. Due to Covid situation, they could not contact the Advocate also. Thereafter, in the month of January, 2021, the applicants contacted the Advocate and supplied all the documents to advocate at Aurangabad. Thereafter, appeal was prepared. In the process, the delay is caused in filing the appeal. The delay caused is not intentional and deliberate act on the part of the applicants. The learned counsel, therefore, submits that the delay caused in filing the First Appeal may be condoned in the interest of justice.

4] The learned counsel for the respondent Insurance Company opposed the application for condonation of delay.

5] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Appeal be registered. Civil Application is disposed of accordingly.

B] ORDER IN FIRST APPEAL

Issue notice to the respondents, returnable on 29th November, 2023. Mr.A.S.Usmanpurkar, learned counsel waives notice for the respondent no.2.

[ARUN R. PEDNEKER]
JUDGE

DDC