

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

**8 CIVIL APPLICATION NO.4785 OF 2019
IN FAST/6310/2019**

**VITHAL UTTAM OTARI (DIED) THR LRS RAKESH AND ANOTHER
VERSUS
BHAGWAT ASHRUBA RAKTE AND OTHERS**

...
Advocate for Applicants : Mr. Babasaheb A. Dhengle
Advocate for Respondent No.3 : Mr. Kishor D. Khade
...

CORAM : KISHORE C. SANT, J.

DATE : 17.10.2023

PER COURT :

1. Heard the parties.
2. The Civil Application is filed for condonation of delay of 1343 days caused in filing the First Appeal. In the First Appeal, the appellant has challenged the judgment and award passed by the Motor Accident Claims Tribunal, Beed dated 26.02.2015 in M.A.C.P. 15/1996 to the extent of not granting the entire claim. It is stated that the application is filed by the heirs of original claimant. The applicants are residing at a distant place than the deceased claimant and they were not aware of the proceedings, neither they were informed by the lawyer. After getting knowledge, they instructed the lawyer to file an appeal and in the process some time is taken.

3. Learned Advocate for the respondents, however, opposes the application stating that the reasons assigned cannot be said to be a sufficient cause for the delay of respondent No.3. However, considering the application and the award, this Court finds that it is in the interest of justice to condone the delay by allowing the application. Hence, the following order. :-

ORDER

1. Civil Application is allowed.
2. Delay of 1343 days is condoned.
3. Office to register the appeal.

(KISHORE C. SANT)
JUDGE

shp/-