

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

**15 CIVIL APPLICATION NO.14154 OF 2019
IN FAST/37010/2019**

**MANDAKINI ASHOK SURWASE
VERSUS
SANTOSH YASHWANT DHAVAL AND ANR**

Mr. R. S. Shinde, Advocate for the applicant

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2023

P. C.

1. In spite of service, none appears for the respondents.
2. This is an application for condonation of delay of 805 days caused in filing an appeal for enhancement. The applicant is mother of deceased. The learned Trial court while granting claim has not considered the future prospect and also while applying the factors, same applied on the basis of age of the claimants which ought to have been as per the age of the deceased as per the submission of the applicant. The learned advocate for the applicant submits that the delay is caused for

the reasons that the applicant could not get the knowledge of filing of the appeal and of the implementation. Though she had instructed to her Advocate to file an appeal, same was not filed by the Advocate due to inadvertence. She was under impression that appeal is already filed.

3. Considering that the appeal is by a lady who is only survive in the family and in view of prima-facie case this court finds that delay needs to be condoned. Hence, the application stands allowed. The delay stands condoned.

4. Office to register the first appeal.

[KISHORE C. SANT, J.]

VishalK/15ca14154.19