

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.19311 OF 2022

IN

FIRST APPEAL (ST) NO.14696 OF 2022

SINDHUTAI BAPU GAWADE AND ORS.)...APPLICANTS

V/s.

**MAHANAGAR PARIVAHAN MAHAMANDAL)
LIMITED)...RESPONDENT**

Mr.Abhishek Avachat a/w. Mr.S.H.Deshpande, Advocate for the Applicants.

CORAM : ABHAY AHUJA, J.

DATE : 6th JUNE 2023

P.C. :

1. This is an interim application seeking condonation of delay of five days in preferring the First Appeal against judgment and order dated 8th February 2022 passed by Motor Accident Claims Tribunal, Pune. Applicants are aggrieved that the contributory negligence of the deceased has been assessed at 25% and that the

same ought not to have been done in view of the decision of the Hon'ble Supreme Court in the case of **National Insurance Co. Ltd vs Pranay Sethi**¹.

2. Mr. Abhishek Avachat, learned Counsel for Applicants draws the attention of this Court to page 5 of the application to submit that Applicants are illiterate and ignorant women and children and therefore the delay of five days. It is observed from the remarks column in the cause list that the sole Respondent – Pune Mahanagar Parivahan Mahamandal Limited has been duly served but is not represented.

3. Having heard the learned Counsel and having perused the application, this Court is satisfied that there is sufficient cause to condone the delay of five days in preferring the Appeal. Let the delay be condoned.

4. Let the First Appeal be registered subject to removal of other office objections.

5. Interim Application, accordingly, stands disposed.

¹ AIR 2017 SC 5157

FIRST APPEAL (ST) NO.14696 OF 2022

1. List on 11th July 2023.
2. Let a copy of the duly registered Appeal be served on the Respondent and an affidavit of service in that regard be filed by the next date.

(ABHAY AHUJA, J.)

ARTI
VILAS
KHATATE

Digitally signed
by ARTI VILAS
KHATATE
Date: 2023.06.06
19:44:29 +0530