



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) NO.28135 OF 2019
WITH
INTERIM APPLICATION NO.2104 OF 2019
IN
FIRST APPEAL (ST.) NO.28135 OF 2019

Smt. Surekha Sunil Gite and anr. ... Appellants/Applicants

Vs.

Vijendra Pal Krishnalal Bhasin and ors. ... Respondents

Mr.J.S.Kini with Mr.Aum Kini i/by Ms.Sapna S. Krishnappa, Advocates for
the Appellants/Applicants.

Mr.Jyotiram S. Yadav, Advocate for the Respondent No.3.

CORAM : ABHAY AHUJA, J.
DATE : 18 AUGUST, 2023.

P.C. :

INTERIM APPLICATION NO.2104 OF 2019

1. This is an interim application seeking condonation of delay of 268 days in preferring appeal against the judgment and award dated 6th September, 2018 passed by Motor Accident Claims Tribunal, Pune in MACP Application No.727 of 2010 for enhancement of compensation.

2. Mr.J.S.Kini, learned counsel for the Appellants/Applicants draws the attention of this court to paragraphs No.3 to 9 of the application in support of his contention to condone the delay. Respondents No.1, 2 and 6 though served, are not represented. Mr.Jyotiram S. Yadav, learned counsel appears for Respondent No.3. Respondents No.4 and 5 have been deleted. Respondents No.7 and 8 are minors, who according to learned counsel for the Appellants would also be benefited in the event the appeal is allowed, though they are not served.

3. Mr.Jyotiram S. Yadav, learned counsel for Respondent No. 3 has no particular objection, if the delay is condoned and the appeal is registered.

4. Having heard the learned counsel and having perused the application, this court is of the view that there is sufficient cause in condoning the delay and interests of justice would be served if delay of 268 days be condoned.

5. The delay is hereby condoned. Let the First Appeal be registered.

6. The Interim Application is accordingly disposed.

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7. Let the registered First Appeal be served on all the Respondents.
8. Mr.Jyotiram S. Yadav, learned counsel for the Respondent No.3 waives service.
9. Let an affidavit of service with tangible proof of service to all the Respondents be filed on the next date.
10. List the First Appeal on 21st September, 2023, for admission.

(ABHAY AHUJA, J.)