

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.394 OF 2021
IN
FIRST APPEAL STAMP NO.1513 OF 2020

Jijibai w/o Champalal Mawaskar and others

Vs.

Sopan s/o Namdeo Solunke and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Deepak S. Khushalani, Advocate for appellants.

Mr. Parth Ranade, Advocate h/f Mr. H. V. Thakur, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/03/2023

Present application is filed for condonation of delay of 263 days which is caused in preferring the appeal.

Appellants are the original claimants. As per contention of the appellants, they are come Adiwas community and residing in remote place of Melghate. They were not aware about the Judgment and Award passed by the Tribunal. Moreover, they could not arrange for the court fees due to poor financial conditions, and therefore delay of 263 days is caused in preferring the appeal.

Respondent Nos.1 and 2 are served, none appeared for respondent Nos.1 and 2.

Learned Advocate Mr. Ranade holding for learned Advocate Mr. Thakur for respondent No.3 submitted that delay is not properly explained and hence delay condonation application is deserves to be rejected.

Heard both sides. Perused the application.

In view of the reasons mentioned in the application, the claimants are of Adiwasi community and not aware about the legal provisions. Moreover, they could not arrange the money for payment of court fees to file an appeal. Delay is caused appears to be just and reasonable one. It is well settled that while considering the application for condonation of delay, when the claimants are claiming rights under the beneficial legislation liberal approach to be taken to do the substantial justice. In view of that, delay of 263 is condoned.

Civil Application is disposed of.

Appeal be registered.

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Heard.

Admit.

Learned Advocate Mr. Ranade, waives notice for respondent No.3.

Call for record and proceedings.

Appellants to file paper book within six weeks, after receipt of the record and proceeding.

Appeal be placed for final hearing, after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)