



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

**5 CIVIL APPLICATION NO. 10792 OF 2015  
IN FAST/34270/2014**

THE NEW INDIA ASSURANCE COMPANY LTD.  
VERSUS  
SUSHILABAI MANGALPRASAD MISHRA AND OTHERS

...

Mr. Kadethankar Ajit B., Advocate for Applicant

Mr. Shrikant S. Patil, Advocate for Respondent Nos. 1 to 5.

**CORAM : Y. G. KHOBRAGADE, J.**

**Dated : 7th October, 2024**

**PER COURT :-**

1. Leave to correct Serial Number of Respondent No.2 granted. Amendment be carried out forthwith.

2. The Applicant/original respondent filed the present application for seeking condonation of delay of 70 days caused in challenging the judgment and award dated 02.07.2024 passed by the learned Motor Accident Claims Tribunal, Dhule in MACP No. 367 of 2010.

3. The learned counsel appearing for the Applicant submits that for want of legal advice and moving the file from one table to another, some time has consumed, by which delay of 70 days has been caused in filing the appeal, which is bonafide and

substantial.

4. Per contra, the learned counsel for the Respondents opposes the application on the ground that the delay has not been explained properly.

5. It is well settled principle of law that the litigant should not be deprived from receiving substantial justice merely on technical ground. The applicant has given explanation that for want of legal advice and moving the file from one table to another, some delay has been caused, which appears to be bonafide and justifiable. Therefore, the delay of 70 days is hereby condoned. Office to register the appeal and place before the Court for further orders.

6. Civil Application is disposed off.

**( Y. G. KHOBRAGADE, J. )**

Chavan