

1. The petitioners filed I.A.No.I Under section 5 of Limitation Act praying to condone the delay of 175 days in filing the petition U/sec. 166 of MV Act Seeking compensation for the death of Sri. Prakash S/o Maruthi dated.26-06-2022.

2. The petitioners have stated that on 26-06-2022 the deceased Prakash S/o Maruthi met with an accident. Due to the death of said person the petitioner have suffered mental agony and due to bad economical conditions, the petitioner did not have knowledge to file the petition with in stipulated time of 6 months. The delay caused in filing the present petitioner is not intentional but due to the said reason. It is also stated that if application is not allowed and delay in not condoned then the petitioners will be put to hardship. Hence, the petitioners prayed to allow the application.

3. Notice was issued to the respondents. The respondents remained exparte.

4. Heard, learned counsel for the petitioners. Perused the materials on record.

5. On the basis of the materials on record, the following points arise for consideration:

1. *whether the petitioners have made out reasonable grounds to allow the I.A.No.I filed under section 5 of Limitation Act?*
2. *What Order?*

6. Upon hearing the arguments and appreciating the entire oral and documentary evidence on record, My findings to the above points are as under:

- Point No.1** : In the Affirmative
- Point No.2** : As per final order for the following:

-: REASONS :-

7. Reasoning on point No.1:-

a. The present petition filed I.A.No.I Under section 5 of Limitation Act praying to condone the delay of 175 days in filing the petition U/sec. 166 of MV Act Seeking compensation for the death of Sri. Prakash S/o Maruthi dated.26-06-2022.

b. The petitioners have pleaded that plaintiffs due to the death of Prakash S/o Maruthi the petitioners have suffered mental agony and due to bad economical conditions, the petitioners did not have knowledge to file the petition with in stipulated time of 6 months.

c. The accident occurred on 26-06-2022 and petition is filed on 21-06-2023. There is delay of 175 days in filing the petition. No doubt there is delay of 175 days in preferring the petition but the reason shown for the said delay appears to be genuine and the said reason is accepted by this court. The said delay is to be condoned to give an opportunity to the petitioners to putforth their case for final adjudication of rights of the parties. The delay can be condoned by imposing costs on the petitioners.

d. Hence the reason for the delay given by the petitioners are accepted. In the interest of justice and equity, opportunity is to be given to the petitioners to filed the present petition. The delay caused in filing the petition is condoned. Thus the petitioners have made out reasonable grounds to allow the I.A. accordingly Point 1 is answered in affirmative.

8. **Point No.2:** In view of the above discussions made while answering Point No.1. I proceed to pass the following:

:ORDER:

The I.A.No.I filed by the appellant/petitioners is hereby allowed on costs of Rs. 500/-.

The delay of 175 days in preferring the appeal is condoned.

For petitioner evidence.

Call on 09-02-2024.

**Senior Civil Judge and JMFC,
Chincholi.**