

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3081 OF 2015
(FOR CONDONATION OF DELAY)

IN

FIRST APPEAL (ST) NO. 5031 OF 2015

Kisan Maruti Pawar

.....Applicant

v/s.

(1) Vasant Dhondiram Pawar & Ors.

.....Respondents

* * * * *

Mr. Anant Vadgaonkar, Advocate for the applicant.

Coram :- Smt. R.P. SondurBaldota, J.

22nd April, 2016.

P.C. :-

1). This Civil Application is taken out for condonation of delay of 74 days in filing the First Appeal. Mr. Vadgaonkar, the learned Advocate appearing for the applicant submits that, *infact* there is no delay in filing of the First Appeal but the application has been taken out only because of the objection raised by the office. He points out that, after the judgment and order was passed on 28th April, 2014 awarding compensation in a motor accident claim petition, the final award could not be drawn until 15th December, 2014 as the claimants had not deposited the additional court-fees required to be paid on the compensation awarded. Perusal of the award annexed at Exhibit-B to the Civil Application confirms this position. Section 173 of the Motor

Vehicles Act provides for period of limitation of 90 days from the date of the Award. Since the Award is dated 15th December, 2014 there is *in fact* no delay in filing the appeal. The Civil Application is accordingly disposed off. Office to number the First Appeal and place the same on board for admission on 4th May, 2016.

(SMT. R.P. SONDURBALDOTA, J)