

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 455 OF 2012
IN FAST/821/2012

MAHARASHTRA STATE ROAD TRANSPORT CORP
VERSUS
ASHOK GOVIND POKHARKAR

...
Advocate for Applicant : Smt. Reddy Ranjana D.
Advocate for Respondent-claimant : Mr. A.S. Gandhi
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CORAM : V. K. JADHAV, J.
DATED : 21st FEBRUARY, 2017

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel appearing for respondent No.1 original claimant. None present for other respondents.

2. Learned counsel for the applicant submits that the dealing counsel before the Tribunal has not informed about the decision in time since he was discharged from the panel maintained by the respondent M.S.R.T.C. to conduct the cases before the Tribunal on behalf of the M.S.R.T.C. Consequently, the delay of 1147 days is occurred in filing the first appeal. Learned counsel also submits that being aggrieved by the same judgment and award passed by the Tribunal, the respondent insurer has also preferred first appeal bearing No. 599 of 2010 and the same is admitted by this Court .

3. Learned counsel for the respondent-claimant submits that the delay is not satisfactorily explained by the applicant M.S.R.T.C. There is inordinate delay in filing the appeal. Learned counsel in the alternate submits that delay may be condoned subject to imposing heavy costs.

4. In view of submissions made on behalf of the applicant M.S.R.T.C. it appears that the delay has been explained satisfactorily. Further, the insurer has also preferred appeal before this Court against the judgment and award passed by the Tribunal and the same is also admitted. In view of this, delay of 1147 days occurred in filing first appeal is hereby condoned. Civil application is disposed of.

5. In first appeal, issue notice to the respondents, returnable on 4.4.2017.

6. Learned counsel waives notice for respondent original claimant. Call for record and proceedings.

(V. K. JADHAV, J.)

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