

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 2766 OF 2012
IN FAST/1358/2012

SK. MUKHTAR SK. SHADULLA
VERSUS
G.RAM MOHAN RAO AND OTHERS

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Advocate for Applicant : Mr. Kiran M. Nagarkar.

Advocate for Respondent Nos.2 & 3 : Mr. Dhananjay Deshpande.

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CORAM : **V. K. JADHAV, J.**

DATE : 09th January, 2017.

P.C.:

. The learned counsel for Applicants submits that due to the accident, the Applicant had sustained grievous injuries, which resulted into amputation of his right leg from middle thighbone and as such, he became permanently disabled. The learned counsel submits that due to economical poor condition, the Applicant could not file the appeal within limitation.

2 The learned counsel for Respondent / Insurer submits that after the award was passed by the Tribunal, within few months the Respondent / Insurer has deposited the entire amount alongwith interest before the Tribunal.

3 The learned counsel for the Applicant / Claimant submits that he

has no instructions whether the Applicant / original Claimant has withdrawn the said amount or not. However, it is a matter of record that the Applicant's right leg came to be amputated from the middle thighbone on account of injury sustained by him in the accident.

4 In view of this, the Applicant had to suffer further on account of such amputation and due to financial constraint he might not be in a position to prefer the appeal within limitation.

5 The learned counsel for Respondent also submits that in case the Applicant succeeds in appeal, he should not get the interest of delayed period for which the condonation is sought.

6 In view of the above submissions and for the reasons stated in the application, the delay of 573 days caused in filing the appeal is hereby condoned. Civil application is allowed and accordingly disposed of.

7 The Respondent / Insurer is at liberty to raise the ground of interest for the period for which the delay sought to be condoned at the time of hearing of the appeal.

[V. K. JADHAV, J.]