

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

919 CIVIL APPLICATION NO. 10373 OF 2014
IN FAST/23637/2014

AATISH TUKARAM CHAVHAN
VERSUS
PRAKASH SAMBHAJI PATIL AND ANOTHER

...
Advocate for Applicant : Mr. Pravin S. Patil

...
CORAM : K.K. SONAWANE, J.

DATED : 05TH OCTOBER, 2017.

Order :-

1. Heard learned counsel for applicant-original claimant. Despite service, none has caused appearance on behalf of respondents.
2. The matter is pending since 2014 for determining the issue of condonation of delay. There is delay of 951 days in filing the appeal against the impugned Judgment and Award passed by learned Motor Accident Claims Tribunal. The applicant-original claimant preferred petition under section 166 of the Motor Vehicles Act before the learned Tribunal, which came to be partly allowed. Being dissatisfied with the findings expressed by the learned Tribunal, the applicant-appellant is intending to file an appeal to redress his grievance for enhancement of compensation, however, there is delay. According to learned counsel for the applicant, the delay so called is not intentional or deliberate but it caused due to unavoidable circumstances as well as financial crises. In case, the delay is not condoned it would cause injustice and prejudice to the applicant, therefore, he prayed to condone the delay.

3. As referred supra, none appears for both respondents even after service of notice to them, therefore, no opportunity is received for hearing of the respondents in this application. However, the matter is pending since long for adjudication on the issue of delay condonation on merit. Admittedly, matter pertains to motor accident claim. The applicant had filed petition under section 166 of the Motor Vehicles Act for compensation before the learned Tribunal. The applicant has suffered injury during the vehicular accident. He had incurred sufficient amount for medical expenses. In such circumstances, it has been alleged that the compensation amount awarded by the learned Tribunal is very meagre and inadequate in view of injuries caused to the applicant. I find substance in the contention put-forth on behalf of the applicant for condonation of delay. Thus, the reasons mentioned in the application appears to be sufficient and satisfactory to condone the delay. Hence, the application stands allowed in terms of prayer clause "B". The delay caused in filing the appeal against the impugned Judgment and Award dated 30-08-2011 passed by the learned Tribunal in MACP No. 47 of 2009 is hereby condoned. Registry to take requisite steps for further process and list the matter for hearing on admission after procedural compliance in due course.

4. The civil application is allowed in above terms and stands disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

mtk.