

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (F) NO.2018 OF 2016
IN
FIRST APPEAL NO.11541 OF 2016

(Jahir Khan s/o Hafij Khan Pathan Vs. Lakhan s/o Dhaneshwar Date and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri V.N. Patre, Advocate for Applicant.
Ms. M.H. Pathade, Advocate for Respondent No.1.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.
DATE: 8th JUNE, 2017.

This is an application seeking condonation of delay of 1122 days in preferring the first appeal. It is submitted by the applicant that though the delay is of longer duration, the facts are more than sufficient to explain the said delay. According to applicant, the offending vehicle was transferred in the name of Smt. Annapurnabai on 04.01.2006. Hence, on the date of accident appellant was not the owner of the vehicle. The documents are also filed on record to that effect. It is submitted that on the advice of his advocate appellant even did not appear in the matter or filed written statement. In such situation, he came to know about the award delivered only on 20.04.2016, when he received the notice of execution of the judgment and award.

Considering these facts, which are not controverted at this stage, though the delay is of longer duration, it being satisfactorily explained, the application for condonation of delay is allowed with no order as to costs.

The application is disposed of.

Civil Application (F) No.2019/2016:

As per order passed by this Court on 22.06.2016, the appellant has deposited amount of Rs.50,000/- within the stipulated period of six weeks. In view thereof, the order of ad interim stay to the execution of the impugned judgment and award is made absolute till the decision of the appeal.

The application is disposed of finally.

First Appeal Stamp No.11541/2016:

Heard the learned counsel for both the parties. Having regard to the peculiar facts, it is kept for final hearing at the stage of admission itself on 13.06.2017.

JUDGE