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

CIVIL APPLICATION NO.6200 OF 2017 IN
FIRST APPEAL ST. NO.11153 OF 2017

Vilas Pralhad Chavan ... APPLICANT

VERSUS

Sanjay Ratan Patil and others ... RESPONDENTS

.....
Shri C.V. Bhadane, Advocate for applicant
Shri N.L. Chaudhari, Advocate for respondents No.1 and 2
.....

CORAM: A.M. DHAVALÉ, J.

DATED : 30th July, 2018.

ORAL ORDER :

1. Heard Mr. C.V. Bhadane, learned Advocate for the applicant and Mr. N.L. Chaudhari, learned Advocate for respondents No.1 and 2. None present, though served, for respondent No.3 Insurance Company. There is delay of 76 days in preferring the Appeal. The reason stated is the ground of poor financial condition. The appellant could make provision only when the Insurance Company deposited the amount.

2. It is argued that, the claimant spent Rs.4,50,000/- for

medical treatment. Due to crushing of his ankle and mal-union of tibia, he has lost his source of earning. The learned Member, Motor Accident Claims Tribunal accepted the medical expenses of Rs.3,00,813/-, but awarded meager compensation of Rs.3,75,813/-. Considering the fact that the applicant is entitled for just and reasonable compensation, and prima facie the compensation awarded appears to be quite low, the delay deserves to be condoned. Hence, the delay is condoned. Civil Application stands disposed of. The First Appeal be registered.

3. First Appeal is admitted.

4. Mr. N.L. Chaudhari, learned counsel waives service of notice on admission of appeal for respondents No.1 and 2. The appellant to serve the respondent No.3. Notice of respondent No.3 made returnable on 27th August 2018.

(A.M. DHAVALA)
JUDGE

fmp/