

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

19 CIVIL APPLICATION NO. 11287 OF 2017
IN FAST/26152/2017

KRUSHNA SHIVAJI PATIL
VERSUS
PARMANAND RAJENDRA PATIL AND ANR

...
Advocate for Applicant : Mr. Mrigesh D. Narwadkar :
Advocate for respondent No. 1: Mr. Prakash B. Patil h/f
Mr. Prafulsing H. Patil
Advocate for Respondent No. 2 : Dhananjay Deshpande
...

CORAM : K.K. SONAWANE, J.

DATED : 4th JUNE, 2018.

Order :-

1. Heard learned counsel for the parties.
2. The present application is filed for condonation of 11 days delay caused in filing the appeal against judgment and award dated 17th April, 2017, passed by the Member, Motor Accident Claims Tribunal, Dhule in MACP No. 592 of 2010.
3. The learned counsel for the applicant submits that the delay caused in filing the appeal is not intentional or deliberate but it caused due to unavoidable circumstances. Therefore, he prayed to condone the delay.
4. Learned counsel for the respondents No. 1 and 2 raised objection and submit that delay has not been properly explained and it would be unjust and improper to condone the delay. Hence, they prayed to reject the application.

5. Admittedly, the matter pertains to compensation under the Motor Vehicles Act. The Tribunal has already allowed the application for compensation of the appellant and directed the respondents jointly and severally pay compensation amount to the tune of Rs. 35,000/-. The claimant is seeking enhancement of compensation amount.

6. In view of the aforesaid submissions and for the reasons mentioned in the application, I find it justifiable to give reasonable opportunity to the applicant-appellant in the interest of justice to ventilate the grievances before the Appellate Forum. There is no impediment to condone the delay. Accordingly, the civil application is allowed in terms of prayer clause "A" and stands disposed of. Registry to take requisite steps for further process.

7. On registration of appeal, issue notice to the respondents. Learned counsel waive service of notice for respective respondents.

8. Meanwhile, call for record and proceedings from the concerned learned Tribunal.

9. List the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

MTK.