

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

CIVIL APPLICATION NO. 15078 OF 2017
IN FAST/38226/2017

TUKARAM PRALHAD KADAM
VERSUS
BALAJI EKNATHRAO CHAPATE AND ANR

...
Advocate for Applicant : Mr. Swapnil S. Dargad.
Advocate for Respondent No.2 : Mr. M. M. Ambhore.
...

CORAM : K.K. SONAWANE, J.

DATED : 26th JUNE, 2018.

Order :-

1. Heard Mr. Dargad, learned counsel for applicant- original claimant, Mr. Ambhore, learned counsel for respondent No.2 Insurance Company. No one else appeared on behalf of respondent No.1 owner of the offending vehicle. Perused the application and relevant documents on record.

2. The present application is moved for condonation of 330 days delay for filing first appeal against impugned Judgment and Award passed by learned Motor Accident, Claims Tribunal, Beed in M.A.C.P. No. 80 of 2015 dated 30-09-2016.

3. In view of reasons mentioned in the application and nature of the subject matter, there is no impediment to allow the application for condonation of delay caused in filing the first appeal. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose for substantial justice. Hence, the application deserves to be allowed. Accordingly, the application stands allowed in terms of prayer clause (ii). The delay caused in filing first appeal against the impugned Judgment and Award is hereby condoned. The Registry to take requisite steps for further process. The civil application stands disposed of in above terms.

4. On registration of appeal, issue notice to the respondents, returnable on 24-07-2018.
5. Mr. M. M. Ambhore, learned counsel waives service of notice for respondent No. 2 - Insurance Company.
6. Meanwhile, call for record and proceedings from the concerned Tribunal. After compliance of procedural formalities, list the appeal for admission.

[K. K. SONAWANE]
JUDGE

rrd.