

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

CIVIL APPLICATION NO. 451 OF 2018
IN FAST/38760/2017

RAMABAI BHIMRAO GONARKAR AND ANR
VERSUS
ROHTASHSINGH JAINARAYAN AND ANR

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Advocate for Applicant : Mr. Suresh P. Salgar.
Advocate for Respondent No.2 : Mr. S. G. Chapalgaonkar.
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CORAM : K.K. SONAWANE, J.

DATED : 6th JULY, 2018.

Order :-

1. Heard Mr. Salgar, learned counsel for applicant- original claimants. Mr. Chapalgaonkar, learned counsel appeared on behalf of respondent No.2 – Insurance Company. Despite service of notice through paper publication, no one else turned up on behalf of respondent No.1. Perused the application.
2. The present application is moved for condonation of 62 days delay caused for filing first appeal against impugned Judgment and Award passed by learned Motor Accident, Claims Tribunal, Ad-hoc District Judge-2 and E.O.M. of Motor Accident Claims Tribunal, Nanded, in M.A.C.P. No. 452 of 2014 dated 01-07-2017. The matter pertains to the enhancement of compensation arising from the vehicular accident.
3. In view of nature of the subject matter and reasons mentioned in the application, 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 (B). 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 7th August, 2018.

5. Mr. Chapalgaonkar, learned counsel waives service of notice for respondent No.2 – Insurance Company.

6. In addition to regular mode of service, applicant-appellant shall serve notice for admission of the appeal to the respondents privately by any fastest legally acceptable mode and file affidavit along with tangible proof of service to that effect on record.

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

[K. K. SONAWANE]
JUDGE

rrd.