

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1394 OF 2014
IN
FIRST APPEAL st. NO.34578 OF 2013

Shri Ashoka Mahadev Lakambale ... Applicant

Vs.

Smt.Sugandha P. Niungare & Ors. ... Respondents

Mr.T.J. Mendon for the Applicant

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JANUARY 16, 2018**

P.C.:

1. This is an application for condonation of delay of 275 days in filing the appeal. The appellant is the opposite party i.e., the owner of the vehicle, who has filed the appeal, thereby challenging the judgement and order dated 28.11.2012 passed by the learned Member, Motor Accident Claims Tribunal, Gadhinglaj in MACP No.63 of 2011. The applicant owner has challenged the said award in this appeal on the ground that it was passed ex-parte. He submits that the respondents/original claimants are served and advocate Mr.Desai has filed appearance for them.

2. The learned Counsel for the applicant submitted that the applicant is an agriculturist and has financial problem. He was also not aware about the ex-parte award though he had communicated the lawyer and therefore, the delay is caused.

3. None appears for the original claimants.

4. In view of the uncontroverted submissions, the application is allowed. Delay of 275 days is condoned. Appeal be registered and listed for admission on 13.3.2018.

(MRIDULA BHATKAR, J.)