

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**BENCH AT AURANGABAD****916. CIVIL APPLICATION No. 4560 of 2019****IN FA(ST)/6324/2019**

Ramesh S/o Maroti More

...ApplicantVersus

Union of India,
through its General Manager,
South Central Railway, Secunderabad

...Respondent

Mr. Girish A. Nagori, Advocate for appellants
Mr. M.N. Navandar, Advocate for respondent.

CORAM : V.L. ACHLIYA, J.**DATE : 4th April, 2019****PER COURT :**

1. Applicant has moved this application for condonation of 302 days caused in filing appeal for the reasons set out in the application.
2. Heard the learned Counsel for the applicant and the learned Counsel representing the respondent.
3. In brief it is contention of the learned Counsel for the applicant that the delay caused in filing appeal was not intentional but occurred on account of disability suffered by him and the time

spent in collecting necessary documents and raising funds for filing appeal. It is submitted that the applicant is resident of Parbhani. He met with an accident in which he sustained serious injury to his legs. Petitioner was required to undergo operation in which his both legs were amputated. It is submitted that the claim is partly allowed and the present appeal is filed seeking enhancement of compensation. In case delay is not condoned, serious prejudice would cause to him.

4. On the other hand, the learned Counsel for the respondent opposed the application with contention that the cause assigned is not sufficient to condone delay of 302 days. It is submitted that reasons assigned for condonation of delay are concocted and by way of after-thought.

5. On due consideration of submissions advanced in the light of unchallenged pleadings, I am of the view that the delay deserves to be condoned. The record of the case shows that the applicant has suffered permanent disability and his legs were amputated on account of accidental injuries. The applicant is resident of Parbhani and the case was tried at Nagpur. In that view, the possibility of time spent in collecting requisite documents and arranging funds to file appeal cannot be ruled out. In that

view, the delay deserves to be condoned. If delay is condoned, no serious prejudice may result to the respondent. On the contrary, if delay is not condoned, there is every possibility that serious prejudice would cause to the applicant. I am, therefore, inclined to allow the application. Accordingly the application is allowed in terms of prayer clause 'B'. Delay is condoned.

6. Appeal be registered and place for admission on 6th June 2019.
7. Mr. Navandar, learned Counsel waives notice for the respondent.
8. Call record and proceedings.
9. The application be marked as disposed of.
10. Stand over to 6th June 2019.

(V.L. ACHLIYA)
JUDGE

Madkar