

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

**CIVIL APPLICATION NO.4812 OF 2013
WITH FAST/6684/2013**

**SHYAM NANASAHEB LONDHE
VERSUS
SUBHASH RAMBHAU SANGDE AND ANOTHER**

Mr. N.C.Garud, Advocate for the applicant

Mr. S.N. Pagare, Advocate for respondent No.2

CORAM : S.M.GAVHANE, J.

DATED : 20.02.2019

P.C. :-

1. Heard learned counsel for the applicant and respondent No.2-National Insurance Co.Ltd.

2. By this application the applicant/original claimant has prayed to condone 168 days delay caused in filing the appeal against the award dated 16.06.2012 passed by MACT, Ahmednagar in MACP No.664 of 2008.

3. Learned counsel for the applicant submitted that the tribunal has passed award for Rs.85,000/- in lumpsum though the applicant had claimed Rs.2,50,000/- compensation. The respondents were jointly and surely directed to pay said compensation. But they did not deposit the same. Therefore, the applicant had to file execution petition and only after filing the execution petition, the respondents deposited the compensation amount and then applicant applied for certified copies of judgment and order and collected the necessary documents and then filed appeal and in doing all these

exercise some delay has been caused. It is submitted that delay is not intentional and it needs to be condoned.

4. Though served with the notice, none appeared for respondent No.1-Truck owner of the vehicle.

5. I have carefully considered the submissions made by the learned counsel for the applicant and respondent No.2. Considering the submissions made by the learned counsel for the applicant and the grounds mentioned earlier, I find that the applicant has properly explained the delay and the same needs to be condoned in the ends of justice, although the learned counsel for respondent No.2 has opposed to grant the application. Therefore application is allowed. Delay caused in filing appeal is condoned.

6. Appeal be registered. On registering the appeal issue notice to the respondents, returnable on 03.04.2019 for final disposal at the stage of admission.

7. Mr.S.N. Pagare, learned Advocate waives service of notice for respondent No.2.

8. Record and proceedings in MACP No.664 of 2008 is already received by this Court.

[S.M.GAVHANE,J.]