

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

**1046 CIVIL APPLICATION NO.1252 OF 2018
IN FAST/29601/2017**

**AMJAD SAYED NOOR PATEL
VERSUS
RAHUL (DATTATRAYA) BHIMRAOPATIL AND ANR**

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Advocate for Applicant : Mr. Kale N.G.
Advocate for Respondent No.1 : R.S. Shinde
Advocate for Respondent No.2 : Mr. Chapalgaonkar S.G.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12th JULY 2019

ORDER :

. Present application has been filed for getting the delay of 75 days in filing First Appeal condoned. The applicant is the original claimant. He wants to challenge the judgment and award passed by the Motor Accident Claims Tribunal, Udgir. The application has been objected by the learned Advocate for respondent No.2. It has been submitted by learned Advocate for respondent No.2 that the delay is huge and inordinate and not properly explained.

2. Taking into consideration the fact that the applicant is coming from rural area, his land was acquired and therefore, liberal approach is taken. For the reasons stated in paragraph No.4, delay is

hereby condoned.

3. Civil Application stands allowed and disposed of accordingly.

4. It is clarified that the applicant will not get interest for 75 days in case of enhancement at the conclusion of the First Appeal.

5. Registry to verify and register the First Appeal and place it for further consideration on 24.09.2019.

(Smt. Vibha Kankanwadi, J.)

Shubham/