

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION**

**CIVIL APPLICATION NO. 2417 of 2016
IN
FIRST APPEAL (ST) NO. 11612 OF 2016**

Sou. Meena Bapurao Sathe and Ors. .. Applicants

Versus

Shri Ganesh Ramchandra Hegade and Anr. .. Respondents

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S. S. Kadtane I/b. Kuldeep Nikam for the applicants.

CORAM: BHARATI DANGRE, J.

DATED : 29th AUGUST, 2019.

P.C:-

1. The First Appeal is filed by the Claimants who are the parents and brother of deceased - Chetan Sathe, who succumbed to the injuries sustained in the vehicular accident which took place on 16th February, 2011. The M.A.C.T., while determining the Claim Petition u/s. 166 of the Motor Vehicle Act has awarded the compensation of Rs.5,36,000/- to be paid jointly and severally by the respondent No. 1 and 2 and this amount was inclusive of 'No Fault Liability' amount. The applicants are aggrieved by the award of compensation and according to the learned counsel, it is based on erroneous calculation and

assumption of wages received by the deceased. In filing the First Appeal, there is delay of 11 days, which sought to be justified in Civil Application No. 2417/2016.

2. With the assistance of the learned counsel, I have perused the said application and I am satisfied that sufficient cause has been shown by the applicants in not approaching the Court within prescribed period of limitation. In the aforesaid circumstances, case is made out for condoning the delay of 11 days and accordingly, the delay of 11 days in filing the First Appeal is condoned. The Civil Application No. 2417/2016 is allowed in terms of prayer clause (a). The First Appeal is directed to be registered and Registry to issue notice to the respondent, returnable after 4 weeks.

SMT. BHARATI DANGRE, J