

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.1500 OF 2017
IN
FIRST APPEAL (ST) NO. 31435 OF 2016

Shri Amrut Shivram Valekar .. Applicant

Versus

The Transport Manager,
Navi Mumbai Municipal Transport. .. Respondent

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Mr. Siddharth Idnani I/b. Adv. Avinash Gokhale for the Applicant.

Mr. Sandesh Deshpande for the Respondent No.1.

Ms. Tanaya Goswami, AGP for the Respondent No.2/State.

CORAM: BHARATI DANGRE, J.
DATED : 30th AUGUST, 2019.

P.C:-

1. Civil Application No. 1500/2017 is filed seeking condonation of delay of 576 days in instituting the appeal against the judgment dated 16th October, 2014 delivered by the M.A.C.T., Thane, in M.A.C.P. No. 1009/2004, by which the claim of compensation u/s. 161 of the Motor Vehicles Act, 1988 preferred by the applicant, came to be dismissed.

2. With the assistance of the learned counsel for applicant, I have perused the application citing the reasons for the delay and seeking relief of condoning the same. The said

application is strongly opposed by the learned counsel for the respondent No. 1.

3. Perusal of the application disclose that on account of accident the applicant sustained permanent partial disability to the extent of 50% and he was diagnosed with ruptured urethra having urological disability. A categorical averment is made in the application that the applicant is without any backing and inflation was added to his peril and in view of the above situation, in which he was placed, he was unable to bear the legal fees and necessary expenses to engage the services of the lawyer to file the appeal before the Appellate Court. There is no denial of the factual aspects of the matter.

4. I am of the view that said reasons cited by the applicant are plausible reasons, since on account of disability suffered by him, the applicant was not able to move and take steps speedily to institute the First Appeal. The cause and reason for delay being sufficiently explained, I am convinced to condone the delay. Resultantly, Civil Application No. 1500/2017 is allowed. Registry is directed to register the First Appeal. Learned counsel Shri Sandesh Deshpande waives service for respondent No. 1 and learned AGP waives service for respondent No.2. List the matter for admission on 26th September, 2019.

SMT. BHARATI DANGRE, J.