

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Civil Application (CAF) No.2202/2019
IN
First Appeal St. No.1273/2019
Viabhav Parsade Vs. Leelabai Rajurkar and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.K. Joshi, Advocate for appellant.
Mr. A.A. Dhawas, Advocate for respondents No.1 to 3.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 03, 2019

Heard learned counsel for the applicant. This is an application seeking condonation of delay of 263 days in filing the accompanying appeal. The applicant herein is owner of the offending vehicle which was involved in the accident, leading to claim application filed by the respondents No.1 to 3 before the Motor Accident Claims Tribunal. Notice was issued on this application on 10/07/2019 and the respondents No.1 to 3 had entered appearances through counsel. The learned counsel for the respondents No.1 to 3 has opposed the prayer for condonation of delay, but, perusal of application shows that the applicant and the respondent No.4 were being jointly represented by the same counsel before the Tribunal and the said counsel failed to attend the proceedings before the Tribunal. In fact, in the

impugned Judgment and order it is noted by the Tribunal that the counsel did not appear and there was no cross-examination of the witnesses on behalf of the applicant. It is pointed out that when the Award passed by the Tribunal was put to execution, that the applicant first became aware of the impugned Judgment and order.

2. Hence, for the reasons stated in the application, the same is allowed and the delay is condoned.

First Appeal No. ____/2019.

Heard learned counsel for the appellant.

ADMIT.

Call record and proceedings.

Issue notice for final disposal / hearing, returnable in six weeks.

Mr. A.A.Dhawas, learned counsel waives notice on behalf of the respondents No.1 to 3.

The appellant shall deposit 50% of the amount of compensation awarded by the Tribunal in this Court within a period of six weeks from today.

JUDGE