IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CIVIL APPLICATION NO. 2390 of 2020
In
F/FIRST APPEAL NO. 21471 of 2020

==========

MAMTABEN HITESHBHAI DOSHI
Versus
BECHARBHAI NARBHERAM KAILA

==========

Appearance:
NISHIT A BHALODI(9597) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MR GC MAZMUDAR(1193) for the Respondent(s) No. 4
MR HG MAZMUDAR(1194) for the Respondent(s) No. 4
RULE NOT RECD BACK(63) for the Respondent(s) No. 3
RULE SERVED(64) for the Respondent(s) No. 1

==========

CORAM: **HONOURABLE MR. JUSTICE BHARGAV D. KARIA**

Date : 15/12/2020

ORAL ORDER

Heard learned advocate Mr.Nishit Bhalodi for the applicant and learned advocate Mr. H.G. Mazmudar for the respondent through video conference.

It is reported that the respondent no.3, who is the owner of the vehicle is unserved. However, for the purpose of considering this application for condonation of delay, presence of the respondent no.3 – owner of the vehicle, is dispensed with as the First Appeal is filed only for the purpose of enhancement of the quantum amount.

Learned advocate Mr. Bhalodi states that the applicant shall not claim interest for the period of delay of 450 days and he shall file an undertaking of the applicant to that effect within the period of two weeks from today.

By this application under section 5 of the Limitation Act, 1963, the applicant seeks condonation of delay of 450 days caused in filing the First Appeal against the judgment and order dated 23.9.2019 passed by the learned Motor Accident Claims Tribunal, Rajkot in MACP No.486/2012.

Having regard to the submissions advanced by the learned advocate for the applicant and more particularly considering the averments made in the memorandum of the application, the Court is of the view that the delay caused in filing the First Appeal has been sufficiently explained.

The application, therefore, succeeds and is accordingly, allowed. The delay caused in filing the First Appeal is hereby condoned. Civil Application stands disposed of. ***Rule is made absolute.***

(BHARGAV D. KARIA, J)

Pradhyuman