

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4314 OF 2018
IN FAST/3470/2018

Shivaji S/o Baburao Suryawanshi ...Applicant

Versus

Anand Jaychand Biradar & Anr. ...Respondents

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Mr.M.M.Mulla Advocate for the Applicant.

Mr.S.R.Bobade, Advocate for Respondent No.2.

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CORAM : S.M.GAVHANE, J.

DATE : 11-02-2020.

ORAL ORDER :

01. The applicant-original claimant has filed this application to condone delay of 85 days caused in filing appeal against the Judgment and Award dated 9.8.2017 passed by Motor Accident Claims Tribunal, Latur in M.A.C.P. No. 161/2013.

02. Learned Counsel appearing for the applicant submitted that the applicant had filed petition for compensation of Rs. 5,00,000/-, but, the Tribunal awarded compensation of Rs. 3,13,931/-. Therefore, as the Tribunal awarded inadequate compensation, the applicant

has filed appeal, but, delay has been caused in filing the appeal as the applicant was under going medical treatment and he was unable to contact his Advocate. It is submitted that delay caused is unintentional and therefore, same may be condoned by allowing the application.

03. The respondent No. 1 is served, but, he has not appeared.

04. The learned Counsel appearing for the respondent / insurance company has opposed to grant the application, but, there is no material to substantiate the objection.

05. Considering the submissions made by the learned Counsel for the applicant and the grounds of delay given in para No. 1 of the application, I am of the view that the applicant has shown sufficient cause to condone the delay and the same needs to be condoned to decide the matter on merit. Therefore, delay is condoned and the application is allowed in terms of the prayer clause B of the application.

06. Appeal be registered.

07. After the appeal is registered it is admitted.

08. Issue notice to the respondents. Mr. S.R.Bobade, the learned Counsel waives notice for respondent No. 2 insurance company. Notice of respondent No. 1 is made returnable on 31.3.2020.

09. Call record and proceedings from the concerned Court.

[S. M. GAVHANE]

JUDGE

Dahibhate/-