

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4527 OF 2018
IN FAST/8334/2018

Vishwas Baburao Behere & Ors.

...Applicants

Versus

Prashant Pitamber Khairnar & Ors.

...Respondents

.....

Mr. P.B.Patil, Advocate for Applicants

Mr. V.B.Patil, Advocate for Respondent Nos. 2A & 2B

.....

CORAM : S.M.GAVHANE, J.

DATE : 11-02-2020.

ORAL ORDER :

01. Applicants-original claimants have filed this application to condone the delay of 51 days caused in filing appeal against the Judgment and Award dated 6.10.2017 passed by the Motor Accident Claims Tribunal, Dhule in M.A.C.P. No. 154/2015 as according to the applicants, compensation awarded by the tribunal is inadequate.

02. Mr. P.B.Patil, the learned Counsel appearing for the applicants referring the grounds mentioned in para Nos. 11 and 12 of the application submitted that after the

Judgment and Award passed by the Tribunal, the Advocate of the applicants did not advise the applicants in time about filing appeal for enhancement of compensation in this Court and said Advocate had advised subsequently and therefore, the delay has been caused. It is further submitted that thereafter time was spent in collecting the documents and making arrangement of expenses to file appeal. It is submitted that in the above circumstances delay caused is not deliberate and the same may be condoned by allowing the application.

03. Nobody present for the respondent No. 1, 2A and 2B. So also, though served nobody is present for the respondent No. 2 insurance company.

04. Considering the submissions of the learned Counsel for the applicants and the grounds referred to above particularly mentioned in para Nos. 11 and 12 of the application, I find that the applicants have shown sufficient cause and delay caused is unintentional and therefore, the same needs to be condoned. Therefore, the delay is condoned and the application is allowed in terms of prayer clause B of the application.

05. Appeal be registered. It is admitted.

06. Issue notice to the respondents returnable on
2.4.2020.

[S. M. GAVHANE]

JUDGE

Dahibhate/-