

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**922 CIVIL APPLICATION NO.8502 OF 2017
IN FAST/8811/2017**

**YOGESH CHHAGAN MAHAJAN
VERSUS
VITHALBHAI CHHAGANBHAI MITHAPARA AND ANR**

Miss Pratibha B. Khanderao h/f. Mr. Vinod Patil, Advocate
for the applicant.

**CORAM : S.M.GAVHANE,J.
DATED : 06.02.2020**

P.C. :-

. The applicant-original claimant has filed this application to condone the delay of 93 days caused in filing appeal against judgment and award dated 23.08.2016 passed by the Member, MACT, Jalgaon in MACP No.304 of 2011, as according to the applicant the compensation awarded is inadequate.

2. Learned counsel appearing for the applicant referring to the grounds mentioned in paragraph Nos. 2 and 3 of the application, submitted that after the decision of the Tribunal, the applicant arranged for amount for filing the appeal after advise, the applicant approached the concerned advocate along with documents for filing appeal, but the delay has been caused, as time

was spent in taking steps and according to the counsel appearing for the applicant the delay is not intentional or deliberate and therefore, same may be condoned. It is also submitted that due to the accident there is imputation of leg of the applicant and as such he is financially collapsed. It is submitted that, therefore, the delay may be condoned by allowing the application.

3. Though served nobody has appeared for respondent No.1 and nobody is present for respondent No.2.

4. Considering the submissions made by learned counsel for the applicant and the grounds referred to above and particularly mentioned in paragraph Nos.2 and 3 of the application, I find that the applicant has shown sufficient cause to condone the delay. Same needs to be condoned to decide the matter on merits. Therefore, in the interest of justice the delay is condoned. Civil Application is allowed in terms of prayer clause (B).

5. The appeal be registered and after registering, same may be placed for admission on 16.03.2020.

[S.M.GAVHANE, J.]