

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

**924 CIVIL APPLICATION NO.7093 OF 2017
IN FAST/14019/2017**

**SANTOSH DHONDIRAMJI PHULARI
VERSUS
SK. MEHBOOB SK AMIN**

Advocate for the Applicant : Mr. Pravin N. Kalani
Advocate for the Respondent No.2 : Mr. S.S. Patni

**CORAM : S. M. GAVHANE, J.
DATED : 05/02/2020**

PER COURT:

. The applicant-original claimant has filed this application to condone delay of 133 days caused in filing appeal against the judgment and award dated 23/08/2016 passed by the Chairman, Motor Accident Claims Tribunal, Parbhani in MACP No.313/2011, as according to the applicant, compensation awarded by the Tribunal is inadequate.

2. Mr. Kalani, learned counsel appearing for the applicant referring the grounds of delay mentioned in paragraph Nos.2, 3, 4 and 5 of the application submitted that the Tribunal has awarded compensation of Rs.1,00,000/- only. After the judgment and award, the applicant received certified copies of the same on 27/10/2016. Thereafter, the appeal was required to be filed on or before 22/12/2016. However, delay has been caused in filing the appeal as the applicant is poor and he suffered mental shock and

as he has no source of income for his livelihood. It is submitted that the delay caused is not intentional and therefore, same may be condoned.

3. Respondent No.1 is served with the notice but nobody has appeared for him.

4. Mr. Patni, learned counsel appearing for the respondent No.2 objected to grant the application, but there is no material to substantiate the objection.

5. I have carefully considered the submissions made by the learned counsel appearing for the applicant and the respondent No.2-insurance company. Considering the submissions made by the learned counsel appearing for the applicant and the grounds of delay given in paragraph Nos.2, 3, 4, and 5 of the application, I am of the view that the applicant has shown sufficient cause to condone the delay and the delay caused is not intentional. Therefore, the delay needs to be condoned by allowing the application. Therefore, the application is allowed in terms of Prayer Clause "B".

6. Appeal be registered. After registering the appeal, it be placed for further consideration admission on 02/03/2020.

[S. M. GAVHANE, J.]