

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9033 OF 2018
IN FAST/19225/2018

Suhas Shankar More

...Applicant

Versus

Suresh Haribhau Supekar & Anr.

...Respondents

.....

Mr. A.C.Darandale, Advocate for Applicant

Mr. S.R.Zambare, Advocate holding for Mr. N.B.Narwade,
Advocate for Respondent No.1

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CORAM : S.M.GAVHANE, J.

DATE : 11-02-2020.

ORAL ORDER :

01. Applicant-original claimant has filed this application to condone delay of 392 days caused in filing appeal against Judgment and Award dated 24.1.2017 passed by Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P. No. 566/2011.

02. Mr. Darandale, the learned Counsel for the applicant submitted that the applicant had filed injury claim. Due to accidental injury, both the legs of the applicant are amputated. Therefore, the compensation

awarded by the Tribunal is inadequate. The insurance company has also filed appeal against the above Judgment and Award and in the said appeal the present applicant has appeared.

03. Mr. Darandale, the learned Counsel for the applicant referring the grounds of delay in paragraph No. 2 of the application submitted that after the Judgment and Award, the Advocate representing the applicant informed that the claim of the applicant is partly allowed and that the compensation is inadequate and his Advocate advised the applicant to file appeal before this Court. However, the applicant could not arrange the money for Court fees as well as the fees of the Advocate in time and also due to health problem, the applicant could not file appeal in time and as such delay has been caused. It is submitted that the delay caused is unintentional. Therefore, it is submitted that the delay may be condoned by allowing the application.

04. The learned Counsel appearing for the respondent No. 1 opposed to grant the application. But, there is no material to substantiate the objection.

05. Nobody present for the respondent No. 2.

06. Considering the submissions made by the learned Counsel for the applicant, grounds referred to above and mentioned in paragraph No. 2 of the application and the fact that the insurance company has also filed appeal bearing First Appeal No. 738/2018 against the same Judgment and Award, I am of the view that the applicant has shown sufficient cause to condone the delay. Therefore, the delay is condoned and the application is allowed in terms of prayer clause B.

07. Appeal be registered.

08. Place the appeal for admission and further consideration on 17.3.2020.

[S. M. GAVHANE]

JUDGE

Dahibhate/-