

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

**921 CIVIL APPLICATION NO.8250 OF 2017
IN FAST/20337/2017**

**KOMAL KISHOR DESHMUKH
VERSUS
PREETPALSINGH K JOHAR AND ANR**

Mr.Amol P. Khedkar, Advocate for the applicant.
Mr.S.R. Bagal, Advocate for respondent No.2.

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

P.C. :-

. The applicant-original claimant has filed this application to condone delay of 569 days caused in filing appeal against judgment and award dated 26.03.2015 passed by the Member, MACT, Beed in MACP No.50 of 2011, as according to the applicant, the compensation awarded by the Tribunal is inadequate.

2. Mr. Khedkar, learned counsel appearing for the applicant referring to the grounds mentioned in paragraph Nos.II to VIII submitted that as the financial condition of the applicant is not good, she approached the Legal Services Sub-Committee of this Court to file appeal, but said Committee did not give legal aid to the applicant

due to lack of funds and therefore the applicant took back papers and arranged for Court fees, engaged advocate and then filed appeal along with this application. Thus, according to learned counsel for the applicant, in the above circumstances the delay has been caused to file appeal, which is not intentional and therefore same may be condoned by allowing the application.

3. Nobody is present for respondent No.1.

4. Learned counsel appearing for respondent No.2 – Insurance Company though opposed to grant the application, nothing is produced on record to substantiate the objection.

5. I have carefully considered the submissions made by learned counsel appearing for the applicant and respondent No.2 and perused the application. Considering the submissions made by learned counsel for the applicant and the grounds mentioned in paragraph Nos.II to VIII of the application, I find that the applicant has shown sufficient cause to condone the delay and same needs to be condoned to decide the matter on merits. Therefore, the delay is condoned. The application is allowed in terms of prayer clause (B).

(3)

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6. The appeal be registered and same may be placed for admission on 18.03.2020.

[S.M.GAVHANE,J.]

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