

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO.8936 OF 2019
IN FAST/20035/2019

SHOYAB CHIRAG SHAIKH
VERSUS
JAMIR BILAL SHAIKH AND ANR

Mr.K.N. Shermale, Advocate for the applicant.
Mr.S.R. Bodade, Advocate for respondent No.2.

CORAM : S.M.GAVHANE,J.
DATED : 12.02.2020

P.C. :-

. The applicant-claimant has filed this application to condone delay of 268 days caused in filing appeal against judgment and award dated 10.07.2018 passed by the Motor Accident Claims Tribunal, Sangamner in MACP No.188 of 2010, 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 obtaining copies of judgment and award, time was spent in arranging Court fees required for filing appeal and to approach the advocate and therefore the delay has been caused, which is unintentional and that the same may be condoned.

3. Respondent No.1 is served, but nobody is present for said respondent.

4. Learned counsel appearing for respondent No.2 – Insurance company opposed 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 respondent No.2 and perused the application. Considering the submissions made by learned counsel appearing for the applicant and the grounds referred to above, particularly mentioned in paragraph Nos.2 and 3 of the application, I am of the view that the applicant has shown sufficient cause to condone the delay as it is not appearing intentional. Hence, the same is required to be condoned.

6. Therefore, the delay is condoned. Application is allowed in terms of prayer clause (B).

7. Appeal be registered.

[S.M.GAVHANE, J.]