

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12174 OF 2018
IN FAST/26268/2018

Dhrupadabai Wd./o Bhagwan Koli(Jadhav) & ...Applicants
Ors.

Versus

Vana S/o Rupchand Mali & Anr. ...Respondents

.....
Mr. U.S.Patil, Advocate for Applicants
Mr. P.D.Patil, Advocate for Respondent No.1
.....

CORAM : S.M.GAVHANE, J.
DATE : 11-02-2020.

ORAL ORDER :

01. The applicants-original claimants Nos. 2 to 4 have filed this application to condone delay of 274 days caused in filing appeal against the Judgment and Award dated 30.8.2017 passed by Motor Accident Claims Tribunal, Jalgaon in M.A.C.P. No. 46/2010 as according to the applicants compensation of Rs. 50,000/- awarded by the Tribunal is inadequate.

02. The learned Counsel appearing for the applicants submitted that the deceased was the son of the original

applicant Nos. 1 and 2 and brother of the applicant Nos. 3 and 4. He was aged about 21 years at the time of death. The compensation awarded by the Tribunal of Rs. 50,000/- is inadequate. It is submitted that the Advocate for the applicants did not inform the applicants in time about the Judgment and Award as mentioned in paragraph No. 6 of the application. Therefore, immediately after the knowledge of the Judgment and Award, the applicants had applied for the copies of the same and after receiving the copies they have filed appeal for enhancement of the compensation. However, the delay has been caused. It is submitted as that the applicants are poor they could not arrange for money to file the appeal. It is submitted that in the above circumstances delay caused is unintentional and the same may be condoned.

03. Learned Counsel for the respondent No. 1 owner of the vehicle opposed to grant the application. There is no material to substantiate the said objection.

04. Though served with the notice nobody present for the respondent No. 2.

05. Considering the submissions made by the learned Counsel for the applicants and the grounds of delay referred to above and particularly mentioned in paragraph No. 6 of the application and having regard to the fact that though the present applicant No. 1 is appearing dependent on deceased, her son deceased aged 21 years the Tribunal has awarded compensation of only Rs. 50,000/-, I am of the view that the applicants have shown sufficient cause to condone the delay. Therefore, the same needs to be condoned. Accordingly delay is condoned and the application is allowed in terms of prayer clause B.

06. Appeal be registered. Issue notice to the respondents returnable on 30.3.2020 for final disposal at the admission stage. Mr. P.D.Patil Advocate waives notice for respondent No. 1.

[S. M. GAVHANE]

JUDGE

Dahibhate/-