

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO.11968 OF 2017
IN FAST/27880/2017

PANDURANG DAGA CHAUDHARI
VERSUS
HOSHILA RAMDAWAV YADAV AND ANR

Mrs. Kirti A. Deshpande h/f Mr. M. M. Bhokarikar,
Advocate for the applicant
Mr. V. R. Mundada, Advocate for respondent No. 2.

CORAM : S. M. GAVHANE, J.
DATED : 10.02.2020

PER COURT :-

. Applicant/original claimant has filed this application to condone delay of 62 days caused in filing appeal against the judgment and award dated 16/03/2016 passed by the Chairman, Motor Accident Claims Tribunal, Jalgaon in MACP No. 2 of 2010, as according to applicant compensation awarded by the Tribunal is inadequate.

2. Mrs. Kirti A. Deshpande h/f Mr. M. M. Bhokarikar, learned counsel appearing for the applicant referring to the grounds mentioned in paragraph Nos. 3 and 4 of the application submitted that as applicant is poor and having no source of sufficient income to arrange for paying court fees to file the appeal, delay

has been caused. So also, it is submitted that applicant is residing at Mhasave, Tal. Parola, Dist. Jalgaon which is away from this place. Therefore and as he is disabled he could not approach advocate in High Court to make necessary arrangements to file appeal delay may be condoned by allowing the application.

3. Though respondent No. 1 is served with the notice, nobody is present for him.

4. Learned counsel appearing for respondent No. 2 opposed to grant the application, but there is no material to substantiate the objection. It is submitted that in case delay is to be condoned applicant should not claim interest of period of delay in case amount of compensation is enhanced in the appeal.

5. I have carefully considered the submissions made by the learned counsel appearing for the applicant, learned counsel appearing for respondent No. 2 and the grounds referred in paragraph Nos. 3 and 4 of the application and I am of the view that applicant has shown sufficient cause to condone the delay and the same

needs to be condoned to adjudicate the matter on merits, in the interest of justice. Therefore, application is allowed in terms of prayer clause (B) and delay is condoned.

6. Appeal be registered. After registering the appeal, it be placed for admission on 16/03/2020.

7. Applicant to supply copy of appeal memo to the learned counsel appearing for respondent No. 2.

[S. M. GAVHANE, J.]