

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO.1337 OF 2019
IN FAST/36819/2018

GAURI RAJENDRA SHELKE
VERSUS
SUKHDEO NANASAHEB TIDKE AND ANR

Mr. R. A. Tambe, Advocate for the applicant
Mr. U. S. Malte, Advocate for respondent No. 2.

CORAM : S. M. GAVHANE, J.
DATED : 04.02.2020

PER COURT :-

. Applicant/original claimant has filed this application to condone delay of 302 days caused in filing appeal against the judgment and award dated 06/11/2017 passed by the Member, MACT, Shrirampur in Motor Accident Claim Petition No. 191 of 2014.

2. Mr. Tambe, learned counsel appearing for the applicant referring to the grounds mentioned in paragraph Nos. 3 and 4 of the application submitted that the compensation awarded by the Member, MACT, Shrirampur is inadequate. After receiving the copies of judgment and award and only after receiving amount deposited by the respondents towards compensation, applicant could

arrange for filing the present appeal and therefore delays has been caused which is not at all intentional or deliberate. It is submitted that therefore, as the applicant has hopes of success in the appeal, the delay may be condoned by allowing the application.

3. Respondent No. 1 though served with the notice, nobody appears for him.

4. Learned counsel appearing for respondent No. 2 opposed to grant the application, but there is no material to substantiate the objection.

5. Considering the submissions made by the learned counsel appearing for the applicant and the grounds referred to above, particularly those mentioned in paragraph Nos. 3 and 4 of the application applying the ratio in the decisions of the Apex Court in the case of Collector, Land Acquisition, Anantnag Vs. Ms. Katiiji and others reported in AIR 1987 SC 1353 and in the case of Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others reported in (2013) 12 Supreme Court Cases 649 I am of the view that it is

just to condone the delay caused in filing the appeal in the interest of justice to substantial justice and to decide the matter on merits.

6. Therefore, application is allowed in terms of prayer clause (B).

7. Appeal be registered. After registering the appeal, it be placed for admission on 18/03/2020.

8. Call for record and proceedings from the concerned Court.

[S. M. GAVHANE, J.]