

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO.3628 OF 2019

IN

FIRST APPEAL STAMP NO.9237 OF 2012

(Uttamrao s/o Bajirao Davhale and another ..vs.. MSRTC, through Divisional Controller, Division
Office, MSRTC, Kaulkhed)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Raju Kadu, Counsel h/f. Shri S.D. Chande, Counsel for the
applicants/appellants,
Shri Y.R. Chougole, Counsel h/f. Shri R.R. Chhabra, Counsel for the
respondent.

CORAM : M.G. GIRATKAR, J.

DATED : 08-01-2020

This is an application for condonation of delay of 135 days in filing the appeal. Heard Shri Raju Kadu and Shri Y.R. Chavgule, learned Counsel for the respective parties. This application was filed in the year 2012. The said application was dismissed on the ground for non removal of office objections. This application was restored on 31-7-2019. The reason for delay is stated in paragraph 3 of the application. It is stated that the appellants were not having money to pay the court fees and, therefore, appeal could not be filed. The appeal is against the judgment of Motor Accident Claims Tribunal, Akola. The claim petition was finally decided on 29-9-2011. As per the provisions of Section 140 of the Motor Vehicles Act, the application under Section 140 is to be decided by the Tribunal as early as possible. It

appears that separate application under Section 140 of the Motor Vehicles Act was filed. In the operative order, there is no mention in respect of the application under Section 140 of the Motor Vehicles Act. Therefore, it appears that the appellants must have received the amount of no fault liability under Section 140 of the Motor Vehicles Act. The reasons stated in the application that the appellants were not having money is not acceptable. Moreover, the claim petition was allowed by the Claim Tribunal. Hence, I do not find any merits in the application. The application is dismissed with no order as to costs.

JUDGE

adgokar