

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 3483/2019
IN
FIRST APPEAL STAMP NO. 13907/2019

Ajay S/o Vinayak Pachpor,
..VS..
Gangana K. Narsing and Ors.,

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

Court's or Judge's orders

Shri V. D. Awchat, Advocate for the appellant.
Shri B. Lahiri, Advocate for the respondent No.3.

CORAM : AVINASH G. GHAROTE, J.

DATED : 08th January, 2020

The applicant seeks to condone the delay of 496 days in filing the appeal challenging the judgment dated 22.11.2017, passed by Chairman, Motor Accident Claims Tribunal, Yavatmal in M.A.C.P. No.183/2015. It is contended that the appellant got knowledge of the judgment given in November-2017 and then applied for certified copies on 23.11.2017 and same was received on 29.11.2017. However, due to disability and lack of resources he could not take efforts to file appeal. After much efforts appellant having arranged amount appeal is being filed. It is further contended that though the appellant was entitled for large amount, the Tribunal has negatived the claim on incorreced grounds.

Mr. B. Lahiri, learned counsel appears for the respondent No.3, opposed the application.

None appears for the respondent Nos.1 and 2 though served.

Considering the reason given in the application, the delay of 496 days is condoned. The civil application is allowed accordingly.

Office is directed to register the appeal.

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Mr. B. Lahiri, learned counsel appearing for the respondent No.3 makes a statement that he has instructions to waive notice on merits upon registration of the appeal.

The appellant is directed to supply the copy of the memorandum of appeal to the respondent No.3.

By an order dated 20.09.2019 the notices on the first appeal were also issued. However, issue fresh notice to the respondent Nos.1 and 2.

JUDGE