

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

CIVIL APPLICATION (CAF) NO. 39/2020

IN

F.A.St NO. 19074/2019

Yasmin Arif Sheikh and Ors.,

..VS..

Nawalsingh Totaram Singh Beger 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 S. V. Bagade, Advocate for the applicants/appellants.

CORAM : AVINASH G. GHAROTE, J.

DATED : 08th January, 2020

By this application, the applicants/appellants who were original claimants seek condonation of delay in filing an appeal against the judgment and award dated 10.12.2018, passed by the learned Member, Motor Accident Claims Tribunal, Amravati in M.A.C.P. No.204/2016, seeking compensation for the demise of the deceased Sheikh Arif Sheikh Rafik in a vehicular accident, in 2016. It contended that, the deceased was a fruit seller and aged 30 years old and earning Rs.12,000/- per month but unfortunately met his end on 12.06.2016 due to rash and negligent driving of truck bearing registration No. HR-55/2073 driven by respondent No.1. The said truck was at the relevant time insured with respondent No.3.

Learned counsel for the appellants submits that inadequate compensation was awarded by the Tribunal. He further placed reliance on the judgment given by Hon'ble Apex Court in the case of **Syed Sadiq Vs. Divisional Manager, United India Ins. Co.**, reported in **AIR 2014 SC 1052** specifically paragraph Nos.7, 8 and 9 thereof to contend that even in the case of a vegetable vendor, the Hon'ble Apex Court has held that vegetable vendor is reasonably capable of earning of Rs.6,500/- per month. He contends that the case of the appellants was on the same footing.

Considering that the claim involves the demise of the husband of the appellant No.1 and the father of the appellant Nos.2 to 4 and the son of the appellant Nos.5 and 6 and the reason given in the application, the delay of 181 days is condoned.

Office is directed to register the appeal.

Upon registration of the appeal, list the matter for further consideration on **17.01.2020**.

JUDGE