

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

CIVIL APPLICATION (CAF) NO.3451 OF 2019

IN

FIRST APPEAL STAMP NO.15252 OF 2018

Dr. Yadav Janglaji Raut.

Vs.

Maharashtra State Road Transport Corporation through its Divisional Manager, Nagpur and
another.

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

Court's or Judge's orders

Shri H. D. Futane, Advocate for appellant.

CORAM : AVINASH G. GHAROTE, J.

DATE : FEBRUARY 18, 2020.

By an order dated 21.11.2019 notice was issued. Thereafter, the respondent no.2 was permitted to be deleted vide order dated 02.12.2019. Today the matter is listed for hearing the application for condonation of delay. The respondent no.1 is served as per the Farad Sheet dated 13.01.2020, however, none appears for respondent no.1.

The appeal challenges the decision dated 16.02.2017 passed by the MACT, Amravati in MACP No.51. 1998 granting compensation of Rs.9,03,000/- with interest at 7 % per annum. The present appeal has been filed after a period of 399 days of the expiry of limitation. It is contended that consequent to the passing of the judgment, when the applicant went to meet the counsel, he was not informed that any proceedings for enhancement could be filed. It is further submitted that after the receipt of the cheque in execution

proceedings, the applicant came to know that he had a right to file an appeal seeking enhancement of the amount as awarded by the Tribunal, consequent to which he came down to Nagpur search for a counsel and has filed the appeal. All these things have occasioned a delay of 399 days.

Considering the reasons given, and the nature of the claim, which relates to 80 % disability of the applicant, the delay is condoned. The office is directed to register the appeal and list it for admission.

Civil Application is accordingly disposed of.

JUDGE