

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO.8491 OF 2019
IN FAST/38772/2018

VIJAYKUMAR BABRUWAN KADAM
VERSUS
M.S.R.T.C., THR THE DIV. CONTROLLER, OSMANABAD AND ANR

Mr M.R. Jadhav, Advocate h/f Mr A.S. More, Advocate for applicant
Mrs R.D. Reddy, Advocate for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 9th DECEMBER, 2021

PER COURT :

1. It is an application for condonation of delay.
2. Heard Mr M.R. Jadhav, learned Advocate holding for Mr A.S. More, learned Advocate for applicant, Mrs R.D. Reddy, learned Advocate for respondent no.1/M.S.R.T.C. Respondent no.2 though served, none appeared for respondent no.2 when the matter is called out.
3. There seems to be delay of 729 days in preferring this appeal.
4. Mr Jadhav, learned Advocate for the applicant submits that due to financial constraint, the applicant could not arrange for the funds, which resulted in delay. Mrs Reddy, learned Advocate for respondent no.1 strongly opposed to condone the delay. She submits that inordinate delay is caused in preferring the appeal, no sufficient reasons are assigned to condone the delay and as such, the application needs to be rejected.
5. This appeal is arising out of motor accident claim. There seems to be delay of 729 days in preferring the appeal. It is stated in the application

that the applicant could not arrange for the funds for preferring the appeal and it resulted in causing the delay. Even though delay seems to be inordinate, it seems to have been explained by the applicant satisfactorily. Moreover, having regard to the nature of dispute, the delay needs to be condoned. At the same time, it should be made clear that applicant shall not be entitled to get interest, if any in respect of delayed period, if his claim for enhancement is allowed by this Court.

ORDER

- (i) The Civil Application is hereby allowed in terms of prayer clause (B).
- (ii) The Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.
- (iii) The applicant shall furnish usual undertaking before the Registrar (Judicial) stating that he will not claim interest in respect of period of delay which is condoned today in case compensation amount is enhanced.
- (iv) The Civil Application is disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)