

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CIVIL APPLICATION NO.5264 OF 2018
IN FAST/9052/2018

THE MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION CO. LTD. THR THE EXECUTIVE
ENGINEER

VERSUS

PRABHAVATI SHIRISH GAIKWAD AND ORS

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Advocate for Applicant : Mr. Mundhe Sanjay V.

Advocate for Respondent 1 : Mr. G.R.Syed

Advocate for Respondent 2 : Mr. Venjane Tukaram M.

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CORAM : V.K. JADHAV, J.

Dated: April 22, 2022

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PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel appearing for respondent no.1/original claimant and respondent no.2 (original respondent driver).
2. None present for the respondent no.3-insurer.
3. Being aggrieved by the judgment and award passed by the Ex-officio Member of the M.A.C.T. Latur dated 1.4.2017 in M.A.C.P. No.215 of 2013 the applicant/original respondent no.2 owner of the vehicle involved in the accident has preferred the appeal, which is delayed by 265 days.
4. The learned counsel for the applicant submits that the Tribunal was pleased to partly allow the MACP No.215 of

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2013 directing thereby the respondents to pay jointly and severally the compensation. Learned counsel submits that the respondent no.1/original claimant has initiated the execution proceedings and she is pressing the execution against the applicant M.S.E.B. Learned counsel submits that the vehicle involved in the accident is duly insured with the respondent/insurer and since the liability is joint and several, it is open for the respondent/original claimants to execute the award against the insurer. Learned counsel submits that the applicant has therefore preferred this appeal. There is no intentional or deliberate delay on the part of the applicant. Learned counsel submits that after obtaining the legal opinion and after completing all the formalities including administrative approval, the appeal has been preferred, which is delayed for the aforesaid period.

5. Learned counsel for respondent no.1/original claimant and learned counsel for respondent no.2/driver submits that there is inordinate delay in preferring the appeal, which is not properly explained.

6. It appears that MSEB Ltd., who is the owner of the vehicle involved in the accident has preferred an appeal against the judgment and award passed by the Tribunal, which is delayed by 265 days. In fact, the Tribunal has

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passed the award directing the respondents including the present applicant to pay the awarded amount jointly and severally. It further appears that due to some administrative difficulties, the applicant could not prefer an appeal within the period of limitation. There is no deliberate delay in preferring the appeal. It is further informed to this Court that the respondent-insurer has not preferred any appeal against the judgment and award passed by the Tribunal.

7. In view of the above and for the reasons stated in the application, the application is allowed in terms of prayer clause '**B**'. Civil application accordingly disposed off.

(V.K. JADHAV, J.)

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