

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

932 CIVIL APPLICATION NO.14345 OF 2018
IN FAST/20208/2018
WITH
FAST/20208/2018

HARIBHAU LAXMAN TUPSAMINDRE
VERSUS
SK AYYUB SK SHABBIR AND ANR

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Advocate for Applicant : Mr. Agrawal Pavankumar S.
Advocate for Respondent 2 : Mr B N Gadegaonkar h/f
Bagal Suraj R.

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CORAM : V.K. JADHAV, J.
Dated: April 22, 2022

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PER COURT :-

1. Being aggrieved by the judgment and award passed by the Member, MACT, Parbhani dated 20.9.2017 in MACP No.123 of 2015 the original claimant has preferred the appeal, which is delayed for a period of 296 days.

2. Learned counsel for the applicant submits that the applicant has preferred the claim for the personal injuries sustained in the motor vehicular accident. The applicant has incurred huge medical expenses and he could not approach his counsel because of the ongoing

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treatment and also to make arrangement for the expenses.

3. Learned counsel for the respondent no.2-insurer has strongly resisted the application on the ground that the delay has not been explained satisfactorily.

4. The applicant is the original claimant, suffered personal injury in the motor vehicular accident. He has also incurred the medical expenses and also remained under treatment for several days. The applicant thus could not make an arrangement of the expenses to prefer an appeal due to his weak financial condition. Medical treatment was also going on and, therefore, he could not approach his counsel well within time. Thus, considering the entire aspect of the case and for the reasons stated in the application, civil application is allowed in terms of prayer clause '**B**'. Civil application accordingly disposed off.

5. In first appeal, issue notice to the respondents. Learned counsel Mr. B N Gadegaonkar holding the brief of Advocate Mr. Bagal for respondent no.2 waives notice

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for the respondent no.2-insurer. Call Record and Proceeding.

(V.K. JADHAV, J.)

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