

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

939 CIVIL APPLICATION NO.10496 OF 2016
IN FIRST APPEAL STAMP NO.20816 OF 2016

...
SUGREEV NAMDEO GIRI
VERSUS
SAMBHAJI DHONDIBA PAUL & OTHERS

...
Advocate for the applicant : Mr.S.B.Gastgar
Advocate for respondent nos.2 and 4 : Mr.G.P.Shinde
Advocate for respondent no.3 : Mr.S.R.Bagal
...

CORAM : S.G.DIGE, J.
DATE : 12.07.2022

P.C. :

1] Heard the learned counsel for the applicant. The learned counsel for the applicant submits that the applicant-appellant has impugned the order passed by the Member, Motor Accident Claims Tribunal, Latur on the ground that inadequate compensation is given to appellant-applicant. The applicant is a Court employee and the order is passed by his superior Officer, hence, the applicant thought it not proper to challenge the said order, hence, the applicant did not file appeal within stipulated period. After transfer of the applicant from Latur to Nilanga, the

applicant decided to prefer appeal, accordingly, the applicant filed the appeal. So there is delay for filing the appeal, hence, requested to condone the delay.

2] The learned counsel for respondent no.3 strongly objected to condone the delay on the ground that the reasons given for condonation of delay are not proper and satisfactory. Mere employee of the Court cannot be a ground for delay condonation. Every person has right to challenge the order for which he is not satisfied. There is delay of more than 1000 days, hence, requested to dismiss the application.

3] I have heard both the learned counsel. The appeal is preferred for enhancement of compensation. It is the case of the applicant that he got inadequate compensation, hence, he wants to challenge the order of learned Tribunal, but he did not challenge the said order as the learned Tribunal was his superior authority. Though the reasons given by the applicant - appellant are not sufficient to condone the delay but the applicant has fairly stated

about the reason that as he did not want to challenge the order of his superior, moreover Motor Vehicle Act is beneficial legislation. Hence, I pass the following order :-

ORDER

i] The application is allowed. The delay for filing appeal is condoned. The applicant shall not claim interest for delayed period and the applicant shall file undertaking in that regard.

ii] Appeal be registered subject to removal of office objections, if any.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC