

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

934 CIVIL APPLICATION NO.126 OF 2019
IN FAST/31872/2013
WITH
FAST/31872/2013

PRABHAKAR RAJENDRA GIRI
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, DIV. OFFICE, NANDED

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Advocate for Applicant : Mr. B N Gadegaonkar h/f
Ghatge M V.

Advocate for Respondent : Mr. M D Shinde h/f M K.
Goyanka

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

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PER COURT :-

1. Heard both sides.
2. Being aggrieved by the judgment and award passed by the Member, MACT, Nanded dated 18.2.2013 in MACP No.308 of 2006 the original claimant has preferred appeal, which is delayed by a period of 185 days.
3. Learned counsel for the applicant submits that, the applicant has preferred the MACP for sustaining injury in the motor vehicular accident. The applicant

aaa/-

was remained under treatment for a period of six months after the accident and he has also incurred huge medical expenses. The Tribunal has also partly allowed the claim petition. Learned counsel submits that, the applicant got knowledge of the impugned judgment and award in the month of October, 2013 and then immediately applied for the certified copies of the judgment and award. The applicant has to make arrangement for filing the appeal. There is no intentional delay in preferring the appeal.

4. Learned counsel for respondent MSRTC submits that it was a claim petition of the year 2006 bearing MACP No.308 of 2006 decided on 18.2.2013 by the Tribunal. Though, the applicant/original claimant has filed the application for condonation of the delay of 185 days caused in preferring the appeal in the year 2013, however, said application was taken up for hearing in this year. Learned counsel submits that, in the event if the applicant succeeds in the appeal, the respondent MSRTC would be saddled unnecessarily to pay the interest.

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5. The applicant has well explained the delay of 185 days caused in preferring the appeal. There is no intentional delay as such. So far as the interest part is concerned, it is open for the respondent MSRTC to make appropriate submissions at the time of final hearing of the appeal.

6. In view of the same and for the reasons stated in the application, civil application is allowed in terms of prayer clause 'A'. Civil application accordingly disposed off.

7. In First Appeal, issue notice to the respondent. Learned counsel Mr. Shinde holding the brief of Advocate Mr. Goyanka waives notice for the respondent MSRTC. Call Record and Proceedings.

(V.K. JADHAV, J.)

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