

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

949 CIVIL APPLICATION NO.2829 OF 2019
IN FAST/35444/2018
WITH
FAST/35444/2018

PRABHAKAR BHARAT GUNAPURE
VERSUS
M.S.R.T.C., THR THE DIV. CONTROLLER, M.S.R.T.C.,
OSMANABAD

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Advocate for Applicant : Mr. Wakure Sambhaji S
Advocate for Respondents : Mr. Dhongade A B.

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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 MACT, Osmanabad dated 14.12.2017 in MACP No.170 of 2016, the applicant/original claimant has preferred the appeal, which is delayed by 253 days.
3. Learned counsel for the applicant submits that the applicant has preferred personal injury claim before the Tribunal and preferred an appeal against the judgment and award passed by the Tribunal before this Court.

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Learned counsel submits that the applicant was doing the labour work and he is not having any other source of income. Thus, due to lack of funds, the applicant could not prefer an appeal within time. There is no intentional delay as such.

4. Learned counsel for respondent MSRTC submits that the delay is inordinate one and the same has not been explained satisfactorily. The application is liable to be rejected.

5. The applicant/original claimant has suffered personal injury in the motor vehicular accident. He is labour by occupation. He could not prefer the appeal within a period of limitation due to lack of funds. 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.

6. In first appeal, issue notice to the respondents. Learned counsel Mr. Dhongade waives notice for the respondent MSRTC. Call Record and proceeding.

(V.K. JADHAV, J.)

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