

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 3961 OF 2016
IN
FIRST APPEAL (ST) NO. 9849 of 2016

Mr. Pradeep Vanechand Gandhi & Anr. ..Applicants

v/s.

Mr. Haresh S. Shah & Ors. ..Respondents

Ms. Varsha Chavan for the Appellant.
Mr. D.S.Joshi for the Respondent No.3..

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 16th JUNE, 2022.**

P.C.

1. By the impugned judgment and Award dated 1.8.2014, in Claim Petition No. 3149 of 2008 the Tribunal has directed the Respondent No.3 to pay the Applicant /Claimants compensation of Rs.5,11,000/- along with interest. The Respondent Nos.1, 2 and 4 are not liable to pay any compensation. Hence Notice to Respondent nos.1, 2 and 4 is dispensed with.

2. By this application, the Applicants, who are the original claimants have sought to condone the delay of one year and 143 days in filing the appeal under Section 173 of the Motor Vehicles Act. The Applicant has stated that upon receipt of the judgment, they were advised to file an appeal for enhancement. They have stated that they have not filed the

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appeal in time due to financial constrains. It is only after the withdrawal of the compensation deposited by the Insurer before the MACT, they could contact the Advocate and instruct him to file an appeal seeking enhancement of compensation. The reasons stated in the application, in my considered view, constitute sufficient ground to condone the delay. Hence the delay is condoned. Application is allowed.

3. Appeal be registered.

(ANUJA PRABHUDESSAI, J.)