

K.S. Jadhav

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

**CIVIL APPLICATION NO. 2151 OF 2012
IN
FIRST APPEAL (ST.) NO. 13865 OF 2012**

Prakash Anant Potdar

...Applicant / Appellant

Versus

Mehut Suryakant Bhatt & Ors.

...Respondents

Ms. Amrin Khan i/b Mr. A.M. Gokhale, Advocate for
Applicant/Appellant.

Ms. Poonam Mittal, Advocate for Respondent No.3.

CORAM : R.I. CHAGLA, J.

DATE : 19TH DECEMBER, 2022.

ORDER :

1. By this Civil Application, the Applicant is seeking condonation of delay of 1 year 20 days in preferring the First Appeal.

2. The Civil Application had earlier been dismissed as against Respondent No.2 in view of the self operative order dated 5th November, 2012 passed by the Registrar (Judicial II). The order dismissing the Civil Application has been recalled by order dated 14th February, 2022 passed by this Court. The notice was issued to

Respondent No.2 and the office noting shows that notice of Respondent No.2 is returned unserved with Bailiff's remark "people not found". The Respondent No.1 is duly served.

3. Considering that the First Appeal is with regard to the quantum of compensation and for which Respondent No.1 is the only necessary party, against whom compensation has been awarded, the service on Respondent No.2 is dispensed with.

4. The ground for delay in filing the First Appeal is that the Applicant who has suffered hospitalization due to accident, had 60% disability, accordingly, he could not manage the legal fees to engage an advocate and necessary expenses for filing the First Appeal.

5. Learned Counsel appearing for Respondent No.3 has not objected for the relief sought for.

6. In view thereof, the delay of 1 year 20 days in preferring First Appeal, is condoned.

7. The Civil Application is accordingly disposed of.

8. The First Appeal shall be placed High on Board.

[R.I. CHAGLA, J.]