

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.224 OF 2021
IN
FIRST APPEAL (STAMP) NO.98098 OF 2020**

Kundalik Dnyaneshwar Salunke ...Applicant

Versus

Balu Baban Bhadale ...Respondent

....

Ms Smita Durve i/b. Mr. Arshil Shah for the Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Ms Durve, learned counsel for the Applicant. None present for the Respondent, though served.

2. Learned counsel for the Applicant points out that there is a delay of about 310 days in filing the First Appeal challenging the judgment and award dated 07/09/2019 passed by the learned Chairman, Motor Accident Claim Tribunal, Pune, in M.A.C.P. No.582 of 2014, thereby allowing the claim and granting compensation of Rs.2,56,855/- along with interest at the rate of 7.5% p.a.

3. It is submitted that after the impugned judgment and award was passed, an application for certified copy was moved and the same was available to the Applicant on 14/11/2019. Thereafter to collect the

relevant documents and to arrange for the necessary amount for filing the appeal, he took some time and thereafter due to pandemic the appeal could not be filed within limitation and as such there is the delay.

4. After going through the application, it is reported that on 14/11/2019 the certified copy was obtained and thereafter from March-2020 there was lockdown due to pandemic. However, prior to lockdown he contacted his Advocate at Mumbai and for some reasons he could not immediately file the appeal and he took some time. As such, sufficient explanation has been offered in this matter by learned counsel for the Applicant and in absence of any reply opposing the application or disputing the above referred facts, I am of the opinion that liberal view needs to be adopted in this matter and the delay requires to be condoned. Accordingly, I pass the following order:

ORDER

- (i) The application for condonation of delay is allowed;
- (ii) The delay caused in filing First Appeal is condoned. The office is requested to register the First Appeal and place the same before the Court for admission.

(ANIL S. KILOR, J.)