

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

**Civil Application No. 4288 of 2018
In
First Appeal (st) No. 17266 of 2018**

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Mr. Sameer Madhukar Patne ... Applicant
v/s.
Shri Ganoba Enterprises & anr. ... Respondents

Ms. Amrin Khan i/b. A.M. Gokhale for the applicant.
Mr. Rahul Mehta i/b. KMC Legal Venture for respondent no.2.

CORAM : Anil S. Kilor, J

19th January 2022

P.C.

Heard learned counsel for the respective parties.

2. The learned counsel for the applicant states that there is delay of 349 days in preferring the first appeal in accident claim for enhancement of compensation.

3. It is submitted that learned Trial Court has not granted amount towards future prospects which ought to have been granted. Learned

counsel for the applicant submits that as the applicant being lay man, he is not aware about the nuance of legal proceedings and due to lack of knowledge of insurance, daily survival etc. have delayed the preferring of Appeal.

4. The learned counsel for the applicant further submits that sufficient cause has been shown in the application and delay may be condoned.

5. Shri Mehta, the learned counsel for the Insurance company opposes the present application.

6. Though the lack of legal knowledge cannot be a good ground for condonation of delay, however, looking to the subject matter and the fact that the claimant has filed the present appeal for enhancement of amount of compensation, I am of the view that this is a fit case where this Court should take liberal approach while considering the application for condonation of delay. 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)

L.S. Panjwani, P.S.