

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 3749 of 2019
In
First Appeal (st) No. 23091 of 2019

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Sham @ Shyam Bhagwan Pawar ... Applicant
v/s.
Mr. Makarand Vijay Naik & anr. ... Respondents

Mr. D.V.Sawant a/w. Paras Oza i/b. S.S.Ghadge for the applicant.

CORAM : Anil S. Kilor, J

19th January 2022

P.C.

Heard learned counsel for the applicant.

2. Though the office note shows that there is delay of 260 days, it is the case of the applicant that there is delay of 204 days in filing the appeal claiming enhancement of compensation in Motor Accident Claim Petition.

3. The learned counsel appearing for the applicant points out from the application that sufficient cause has been shown in the application

and thereby the applicant has made out a case for condonation of delay. It is submitted that delay is not intentional but bonafide and, therefore, this Court may adopt the liberal approach and condone the delay.

4. Though the respondents are served, none appeared and though this application is pending for long time, no reply has been filed opposing this application.

5. After going through the reasons stated in the application which I found to be satisfactory and also looking to the fact that present appeal has been filed for enhancement of compensation in accident claim, I am of the opinion that liberal approach needs to be adopted in this application. 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)