

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

**CIVIL APPLICATION NO.3516 OF 2017
WITH
CIVIL APPLICATION NO.3517 OF 2017
IN
FIRST APPEAL (STAMP) NO.33278 OF 2016**

Sudhakar Sonubapu Shelke ...Applicant

Versus

Sahebrao Murlidhar Bahadure and Anr. ...Respondents

....

Ms Bhagyashree Ranade i/b. Mr. Satish S. Raut for the Applicant.

CORAM : ANIL S. KILOR, J.

DATED: 28th JANUARY, 2022.

P.C.:-

1. Heard Ms Ranade, learned counsel for the Applicant. None for the Respondents, though served.
2. Learned counsel for the Applicant draws attention of this Court to the fact that there is a delay of 200 days in filing the first appeal challenging the judgment and award dated 11/02/2016 by the learned Member, Motor Accident Claims Tribunal, Nashik, in Motor Accident Claim Petition No.979 of 2012.

3. It is submitted that as the Applicant was not well, the Doctor advised him bed rest and therefore, from 06/05/2016 to 29/09/2016 he could not contact his Advocate for taking steps to file appeal.

4. It is submitted that the appeal has been filed for enhancement of compensation in accident claim and the delay caused is not intentional but bonafide.

5. Considering the reasons given in the application, which have not been controverted or disputed by the Respondents by filing reply, I am of the opinion that satisfactory explanation has been offered 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.)