

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.188/2017

IN

FIRST APPEAL ST. NO.9587/2016

Rajendra Janardhan Dhangade

...Versus...

Smt. Leelabai wd/o Kamlesh Singh Chauvan and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri J.B. Gandhi, Advocate for applicant
Ms Anita Mategaonkar, Advocate for respondent no.5

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/11/2022

1. The civil application seeks condonation of delay of 758 days in filing the first appeal by the owner of the vehicle, who has been saddled with the responsibility in the award dated 31/12/2013 passed by the learned Motor Accident Claims Tribunal.

2. Though the respondent nos.1 to 3 are served, none appears. The respondent no.4 has already been deleted. Advocate Ms Anita Mategaonkar appears for the respondent no.5.

3. In *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others*, (2013) 12 SCC

649 the Hon'ble Apex Court has laid down the parameters for considering an application for condonation of delay and has mandated that the liberal approach ought to be adopted. Considering the reasons given in the application and accepting the same and in view of the fact that the appellant, who has been saddled with the compensation claim, has to be afforded an opportunity to challenge the award as he was said to be *ex parte* before the learned Motor Accident Claims Tribunal, the civil application is allowed. Office to register the appeal.

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1. Issue notice to the respondents, returnable in four weeks.
2. Advocate Ms Anita Mategaonkar waives service of notice for the respondent no.5. The appellant shall serve rest of the respondents by all modes of service permissible in law. Hamdast granted.

(AVINASH G. GHAROTE, J.)

Wadkar