

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

Civil Application (CAF) No.264/2020

AND

Civil Application(F) No.1321 of 2021

In

First Appeal St No.15543/2019

Shri Vishwanath s/o Amrut Chawhan Vs. Smt. Mala wd/o Bhimrao Chawhan and anr.

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

Court's or Judge's Orders

Shri C. F. Bhagwani, Advocate for applicant.
Shri B.P. Bhatt, Advocate for respondent No.2

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 6th JANUARY, 2022.

Civil Application(F) No.1321 of 2021

By this application, the applicant has sought leave to condone the delay of 287 days in challenging the Award of Maha Lok-Adalat in MACT No.589 of 2017.

2. For the reasons stated in the application, the delay is condoned.

3. The application stands **disposed of**.

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4. Heard learned counsel for the appellant and learned counsel for the respondent No.2.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The brief facts necessary to decide this application are as under:

The brother of the applicant expired in a road accident. The non-applicant No.1, being the widow of the deceased Bhimrao

filed a claim petition before the MACT, Nagpur. The said claim petition was settled in Lok-Adalat by Award dated 14.07.2018, wherein the Insurance Company-respondent No.2 had agreed to pay to the non-applicant No.1 Rs.3,60,000/- towards full and final compensation inclusive of NFL amount.

6. The applicant has sought to challenge the said Award mainly on the ground that his application for intervention was pending before the MACT, Nagpur and that he was not heard in the matter. The applicant, who is the brother of the deceased, has sought intervention mainly on the ground that the deceased who was a polio patient and that he was dependent on him.

7. The averments made in the application itself indicate that the applicant was not dependent on the deceased. This being the case, he was otherwise not entitled to file any claim petition in view of the death of the brother. Hence, the leave is rejected.

8. The application stands **disposed of**.

(SMT. ANUJA PRABHUDESSAI, J.)

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