

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

CIVIL APPLICATION (CAF) NO.1161/2019

IN

FIRST APPEAL ST. NO.16657/2018

Murlidhar s/o Mahadeorao Gajbhiye

...Versus...

Naresh Kanhiyalal Hiranwar and another

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

Court's or Judge's orders

Shri P.S. Mirache, Advocate for applicant
Ms Anita Mategaonkar, Advocate for respondent no.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/11/2022

1. The civil application seeks condonation of delay of 206 days in filing the first appeal against the judgment and award passed by the Member of Motor Accident Claims Tribunal.

2. The respondent no.1 has been served by paper publication, however, none appears. Advocate Ms Anita Mategaonkar appears for the respondent no.2. 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.

3. Though the application is opposed by the learned counsel for respondent no.2, considering the quantum of delay and the reasons given in the application and accepting them, the delay in filing the first appeal is condoned. The civil application is allowed. Office to register the appeal.

FIRST APPEAL ST. NO.16657/2018

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

(AVINASH G. GHAROTE, J.)

Wadkar