

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

Civil Application (F) No.1006/2019 in First Appeal St. No.16828/2018

Dilip Charde V M/s Dattakrupa Building Exporters, Nagpur and another

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

Court's or Judge's Orders

Mr. A.R. Rishi, Advocate, Advocate for applicant.

Mr. R.R. Joharapurkar, Advocate for non-applicant no.1.

Mr. B. Lahiri, Advocate for non-applicant no.2.

CORAM : ABHAY AHUJA, J.

DATE : 20-09-2022

Heard.

2. By this application, the applicant is seeking condonation of delay of 223 days in filing the Appeal against the order dated 16-08-2017 passed by the Motor Accident Claims Tribunal, Nagpur in Claim Petition No.280/2011. The learned Counsel for the applicant draws attention of this Court to paragraphs 2 and 3 of the application in support of his contention to condone the delay. The learned Counsel would submit that the applicant is a poor person and has lost his earning capacity and he is still undergoing the treatment. He submits that since the applicant was not in a position to pay the Court fees, the delay has been caused which may be condoned in the interest of justice. Learned Counsel submits that the Appeal has merit and although the First Information Report has been lodged against the owner of the vehicle, the impugned order proceeds on the basis of

contributory negligence. The learned Counsel for non-applicant no.1 as well as learned Counsel for the Insurance Company have raised a formal objection.

3. Having heard the learned Counsel for the applicant and having perused the application, this Court is satisfied that there is sufficient cause made out for condonation of delay.

4. The delay of 223 days in filing this Appeal is condoned.

5. The Registry is directed to register the First Appeal within a period of two weeks.

6. Application stands disposed.

First Appeal St. No.16828/2018

Heard.

2. The Appellant is directed to serve the copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of two weeks and file an affidavit of service with tangible proof in this Court by the next date.

3. List the matter on 04-10-2022.

(Abhay Ahuja, J.)