

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

CIVIL APPLICATION (CAF) NO. 1042 OF 2019
IN
FIRST APPEAL (ST.) NO. 19619 OF 2018

Sarita Wd/o Mewalal Gupta and others

..VS..

Atul S/o Hansraj Nagpure and another

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

Court's or Judge's orders

Mr. Kunal Mirache, Advocate h/f Mr. P.S. Mirache, Advocate for
applicants/appellants.

CORAM : ABHAY AHUJA, J.

DATED : 22.09.2022

Heard.

2. This is an application seeking condonation of delay of 65 days in preferring the first appeal against the judgment and award dated 21.03.2018 passed by the Motor Accident Claims Tribunal, Nagpur in Claim Petition No. 360 of 2013 seeking enhancement of compensation.

3. Mr. Mirache, learned counsel for the applicants draws the attention of this Court to paragraph Nos. 2 to 4 of the application in support of his contention seeking condonation of delay. Learned counsel submits that the deceased who was the husband of applicant No.1 and father of the applicant Nos.2 and 3 was 38 years old at the time of the accident and was the sole breadwinner of the family. He submits that the first applicant is the

widow and had to take care of her children and therefore, she did not have sufficient time to contact the Advocate and therefor, the delay.

4. The respondents though served are not present.

5. Having heard the learned counsel for the applicants and having perused the application, this Court is of the view that sufficient cause has been made for condoning the delay of 65 days in preferring the Appeal. Let the delay of 65 days be condoned and the First Appeal be registered within a period of two weeks.

8. Application stands disposed.

FIRST APPEAL (ST.) NO. 19619 OF 2018

Heard.

2. The appellants are directed to serve the copy of the Memo of Appeal along with complete Annexures upon the respondents within a period of two weeks and an affidavit of service be filed in that regard.

3. List the Appeal on 06.10.2022.

(Abhay Ahuja, J.)