

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 9057 OF 2012
IN
FIRST APPEAL STAMP NO. 20065 OF 2012**

Jayvant Malikarjun Patil .. Applicant

Versus

Pravin Sultana Momin and others .. Respondents

Shri Umesh S. Mote, Advocate h/f Shri Anil H. Kasliwal,
Advocate for the Applicant.

Shri Sanjay V. Mundhe, Advocate for Respondent Nos. 1 to 4.

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 07TH JUNE, 2023.**

FINAL ORDER :

. Heard.

2. This civil application is filed seeking to condone the delay of 188 days caused in filing the appeal challenging the judgment and award dated 17th October, 2011 passed by the Motor Accident Claims Tribunal, Udgir in M.A.C.P. No. 117 of 2009.

3. Learned advocate appearing for the applicant relying upon para Nos. 14 and 15 of the application submits that sufficient cause is made out to condone the delay.

4. Mr. Mundhe, learned counsel appearing for the respondent

Nos. 1 to 4 opposes the application.

5. Considering the reasons as stated in the application in para Nos. 14 and 15 of the application, delay deserves to be condoned.

6. The applicant has also prayed for grant of stay to the award dated 17.10.2011.

7. Mr. Mundhe, learned counsel for respondents points out that till this date the applicant has not deposited a single pai and respondents/claimants are waiting for compensation.

8. Considering rival submissions of the parties following order is passed.

O R D E R

A. The delay of 188 days caused in filing first appeal is condoned. Appeal be registered.

B. There shall be stay to the impugned award subject to condition that the applicant/appellant deposits the entire amount of compensation as awarded by the Tribunal along with accrued interest within a period of eight (08) weeks from today.

C. Non deposit of amount shall entail vacation of stay automatically and the claimants would be at liberty to execute

the award.

D. The civil application is disposed of.

[S. G. CHAPALGAONKAR, J.]

bsb/June23