

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

CIVIL APPLICATION NO.1131 OF 2022

IN

FIRST APPEAL (ST.) NO.304 OF 2022

(Ramlakhan Raghuveer Pansari Vs. Santosh Govinda Kale and ors.)

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

Court's or Judge's Order

Ms Sharma, Advocate h/f Shri P.R. Agrawal, Advocate for the
appellant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 20, 2023.

Heard.

2. The application is for condonation of delay which is caused in filing the appeal.

3. As per the contention of the appellant that he was not aware about the judgment and award dated 02/03/2019 passed by the Chairman, Motor Accident Claims Tribunal, Washim in M.A.C.P No.26/2013.

4. He had engaged the Counsel to represent him before the Court and he used to enquire about the matter but his Counsel has not informed him about the decision passed by the Motor Accident Claims Tribunal, Washim.

5. He had received the notice in the execution proceeding. At that time, he approached to the Counsel but his Counsel was not advised him to challenge the judgment and award in question. He is an illiterate person having no legal knowledge, and therefore, he could not file the appeal. Subsequently, he met another Counsel and

he came to know that the appellant needs to file the appeal to challenge the judgment and award passed by the Tribunal, and therefore, the delay is caused.

6. Respondent Nos.1 to 4 though served, not appeared.

7. Considering the reasons mentioned in the application, it is apparent that the appellant was very well represented by his Counsel before the Tribunal. It is the common knowledge that the persons who are not aware about the legal intricacies depends upon their Counsel and sometimes they are misguided by their Counsel which always causes the delay in filing the litigation.

8. The reasons mentioned in the application appears to be just and reasonable one.

9. In view of that the delay of 289 days is condoned subject to the costs of Rs.2000/- (Rs. Two thousand). The costs amount be paid to the Vidarbha Lady Lawyers Association, Nagpur. After depositing the amount of costs, appeal be registered.

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2. **ADMIT.**

3. Issue notice on merits to the respondents.

4. Call for R. & P

5. the appellant to file private paper book within a period of eight weeks after receipt of R. & P.
6. Place the matter for final hearing after filing of the paper book and its verification, as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*