

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

CIVIL APPLICATION NO. 713 OF 2019

IN

FIRST APPEAL ST. NO. 1498 OF 2019

(Gowardhanrao Sadashiv Ghodeswar and ors. ..vs..Shreyas Shripadrao Dhotarkar and ors.)

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

Court's or Judge's Order

Shri S.S. Alaspurkar, Advocate for the appellants.
Shri A.M. Kukday, Advocate for the respondent no.4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : JANUARY 11, 2023.

Heard.

2. By this appeal, the appellants are challenging the judgment and award passed by the Motor Accident Claims Tribunal, Amravati in M.A.C.P No.200 of 2012 by which the claim of the original claimants is dismissed. However, the delay of 13 days caused in filing the appeal.

3. It is submitted by the learned Counsel for the appellants that the appellant nos.1 and 2 are illiterate and appellant no. 3 is taking education. They were not aware about the legal provisions and therefore, could not file the appeal within the limitation period. The delay is not intentional one. Considering the same, the delay be condoned.

4. Learned Counsel for the Insurance Company has no objection for the same.

5. In view of the reasons mentioned in the application, the delay is condoned. The application is allowed and disposed of accordingly.

6. The Appeal be registered and numbered accordingly.

FIRST APPEAL NO. _____ of 2023

Heard.

2. Call for the Records and Proceedings.

3. The Appellant shall file a private paper book within 8 weeks.

4. Stand over to eight weeks.

(URMILA JOSHI-PHALKE, J.)

**Divya*