

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

CIVIL APPLICATION (CAF) NO. 1604 OF 2023
IN
FIRST APPEAL (ST.) NO. 7672 OF 2023

RAJKUMAR PANDHARI INGLE

...**VERSUS**...

ASHWIN ARVIND JAISWAL AND ANR.

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

Court's or Judge's order

Shri Madhur Deo, Advocate h/f. Shri Rohit Joshi, for applicant/appellant.
Shri C.A./C.C. Anthony, Advocate for respondent no. 2.

CORAM : SMT. M. S. JAWALKAR, J.

DATE : 26th JULY, 2023

The present application is filed for condonation of delay in filing the First Appeal. There is delay of 286 days.

2. It is contended that the applicant has suffered 100% disability due to injury sustained in the accident. He is on wheelchair. His mobility is severely restricted. He was not aware about the period of limitation, therefore, he could not file the appeal within limitation.

3. I have heard learned counsel for respondent no. 2. He vehemently opposed the application and submitted that the delay has not been explained properly and the grounds for delay are also not satisfactory.

4. Being his medical ground, though it can be considered, the another ground that, he was not aware about prescribed limitation, cannot be accepted. As such, though I am inclined to condone the delay in filing First Appeal, it is subject to condition that the claimant

will not be entitled for any interest on enhanced compensation for the delayed period. Accordingly, the application is allowed. Delay in filing First Appeal is hereby condoned.

3. Registry is directed to register First Appeal.

4. Accordingly, the applications stands disposed of.

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After registration of First Appeal, issue notice to the respondents, returnable within three weeks.

2. Shri Cecil Anthony, learned counsel waives notice for respondent no. 2.

3. Learned counsel for the appellant to serve the copy to the learned counsel for respondent no. 2, within one week.

4. Apart from usual mode of service, the appellant is permitted to serve respondent no. 1 by all private mode available in law.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar