

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

CIVIL APPLICATION (CAF) NO. 2085/2022 IN
FIRST APPEAL ST. NO. 11553/2022

Smt. Pratibha Wd/o Shankarrao Shendre And Others

Vs

Oriental Insurance Co. Ltd., Chhindwada M.P. Thr. Branch Manager, Wardha And Another

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

Court's or Judge's Order

Mr A.R. Rishi, advocate for the applicants/appellants.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/03/2023.

1. By this application, the applicants/appellants are seeking condonation of delay which is caused in preferring the appeal against the judgment and award passed by the Motor Accident Claims Tribunal, Wardha in M.A.C.P. No. 19/2018.
2. Reasons mentioned in the application by the applicants is that, the appellants have lost their earning member in the unfortunate accident, they have no source of income. Therefore, they were facing financial crises and therefore, they could not arrange for the Court fees. Therefore, delay of 42 days is caused in preferring the appeal.
3. Though respondent Nos. 1 and 2 are served. Respondent No.1 is represented by the advocate but none is present for the respondent No.1. After service of the notice, respondent No.2 failed to appear.

4. In view of the reasons mentioned in the application, it appears that just and sufficient reason is mentioned in the application. Moreover, the appellants are claiming the compensation under the provisions of beneficial legislation. They cannot be deprived from claiming their right on the technical reasons.

5. In view of the reasons mentioned in the application, application is allowed. Delay of 42 days in preferring the appeal is condoned.

Civil Application is disposed of.

First Appeal St. No.11553/2022

1. Appeal be registered.
2. **Admit**
3. Call for record and proceedings.
4. Filing of private paper-book is dispensed with.
5. Appeal be placed for final hearing after receipt of record and proceedings is received, as per its own turn.

JUDGE