



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

CIVIL APPLICATION (CAF) NO. 2110 OF 2019

IN

FIRST APPEAL (ST) NO. 24512 OF 2018

Kailash S/o. Narayan Kamble

VS.

United India Insurance Company Ltd., Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr C. N. Deshpande, Advocate for the appellant

Mr M R Johrapurkar, Advocate for respondent No. 1

Mr Lalit Limaye, Advocate for respondent No. 2

CORAM : G.A. SANAP, J.

DATE : OCTOBER 6, 2023.

Heard learned Advocates for the parties. Respondent Nos. 3 and 4 though served remained absent.

2. This is an application for condonation of 166 days delay caused in filing appeal against impugned judgment and award, dated 23.01.2018 passed by the learned Member, Motor Accident Claims Tribunal No. 4, Nagpur in Claim Petition No. 271 of 2009.

3. It is stated by the appellant that due to poor financial condition and due to disability suffered in the accident he was not in a position to take necessary steps. It is submitted that the compensation awarded is highly disproportionate to the disability suffered by him.

4. Learned Advocate for the respondent No.1 submitted that no case has been made out for condonation of delay. Respondent No. 2 insurance company has been exonerated by the Tribunal from the liability. In view of the reasons stated in the application, in my view, it will be in the interest of justice to condone the delay. The appellant/claimant is a rustic villager. The case in question, in my view, warrants liberal approach. Accordingly, the application is **allowed**.

5. Delay of 166 days caused in filing appeal stands condoned.

6. The appeal be registered.

7. The application stands **disposed of**, accordingly.

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8. Heard.

9. Issue notice to the respondents.

10. Learned Advocate Mr M. R. Johrapurkar waives service of notice on behalf of respondent No. 1.

11. Learned Advocate Mr Limaye waives service of notice on behalf of respondent No. 2.

12. Respondent No.3 was served by paper publication. Respondent No. 4 was served by usual mode. They did not appear. It will not be necessary to serve them in the appeal again.

13. Call for record and proceedings.

14. Paper book be filed within 12 weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Namrata