

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

CIVIL APPLICATION (CAF) NO.1759 OF 2019

IN
FIRST APPEAL ST. NO.25085 OF 2018

Sau Kantabai w/o Arun Nandanwar
Vs.
Dalpatrao s/o Sukhalal Meshram and others

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

Court's or Judge's orders

Mr. A. D. Dangore, Advocate for appellant.
Ms. Mallika Babhulkar, Advocate h/f Mr. M. A. Kadu, Advocate for respondent No.2.
Ms. Vijayalaxmi, Advocate h/f Ms. Mrunal Naik, Advocate for respondent No.4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/01/2023

1. By this application, appellant who is the owner of offending vehicle seeking condonation of delay of 206 days caused in filing appeal.

2. By this appeal, owner has challenged the judgment and award of Motor Accident Claims Tribunal, Nagpur by which appellant was held liable to pay compensation. The appellant has challenged the said award. However, delay of 206 days is caused in filing the appeal. As per the contention of the appellant, he could not contact his Advocate due to the sickness, and therefore delay is caused. There is justifiable and reasonable cause for condonation of delay.

3. The application is strongly opposed by the respondent Nos.2 and 4 on the ground that sufficient and reasonable cause is not mentioned by the appellant for condonation of delay.

4. Heard both sides.

5. It is well settled that while considering the delay condonation application, liberal approach is required to be adopted and not the pedantic approach.

6. Considering the reason that appellant was not well and could not contact his Advocate, there is just and reasonable cause for condonation of delay. In view of that, application is allowed. Delay of 206 days is condoned.

7. Civil Application is disposed of.

FIRST APPEAL NO. _____ OF _____

1. **Admit.**

2. Call for Record and Proceedings.

3. Ms. Mallika Bhabulkar, Advocate waives notice for respondent No.2.

(3)

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4. Ms. Mrunal Naik, Advocate waives notice for respondent No.4.

5. The appeal be tagged with First Appeal No.1877 of 2019.

(URMILA JOSHI-PHALKE, J.)

Sarkate