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959 sr.no..odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**959 CIVIL APPLICATION NO. 10894 OF 2022
IN FAST/7677/2022**

Ashok Bhima Shewale

....Applicant

VERSUS

Ujwala Rajendra Hole And Anr

.....Respondent

.....
Advocate for Applicant : Mr. Shaikh M.s. And Shaikh Y.k.

Advocate for Respondent No.2 : Mr. M.R. Deshmukh.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13TH FEBRUARY, 2024.

ORDER :-

By this application, the applicant seeks to condone the delay of 764 days caused in filing the first appeal against the judgment and award dated 6/11/2019 passed by Motor Accidents Claim Tribunal, Shrirampur in MACP No. 228 of 2016.

2. In the present case, on service of notice, Mr. M.R. Deshmukh, Advocate caused appearance on behalf of respondent No.2. None appears for respondent No.1 despite service of notice.

3. Having considered the reasons as stated in para. Nos. 3 and 4 of the application, it is apparent that applicant has suffered permanent disablement and approached this court seeking enhancement of

compensation. Owing to the functional disability and economic crisis, he could not file appeal within time. Further, meanwhile, because of the pandemic situation, difficulties were aggravated. In that view of the matter, it can be gathered that there are sufficient grounds to condone the delay. Resultantly, the application deserves to be allowed. Hence, the order :-

O R D E R

- [I] Civil application is allowed.
- [ii] Delay of 764 days caused in filing the appeal is condoned
- [iii] Appeal be registered.
- [iv] On registration of appeal, issue notice to respondents returnable on 26th March, 2024.
- [v] Mr. M.R. Deshmukh, Advocate Waives notice for respondent No.2.
- [v] Call for R. & P

[S.G. CHAPALGAONKAR]
JUDGE

grt/-