



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 CIVIL APPLICATION NO. 398 OF 2023
IN FAST/11293/2022 WITH FAST 11293/2022

Bhanudas S/o Shripati Darade

VERSUS

Pandurang S/o Haribhau Kendre And Ors

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Advocate for Applicant : Mr. Deshpande Manohar S.

Advocate for Respondents 1,2 : Ms D.P. Khandelwal h/f Mr.
Karad M.S.

Mr. A.G. Kanade advocate for respondent No.3.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 18, 2024

PER COURT :-

1. The applicant seeks to condone the delay of 855 days caused in filing the appeal against the award passed by the Tribunal under the provisions of the Motor Vehicles Act.

2. Heard Mr Deshpande, learned advocate appearing for the applicant. He submits that the Tribunal dismissed the claim seeking compensation. The applicant is a labourer and because of lack of knowledge regarding legal proceeding as well as financial constraints, he could not take immediate steps to file the appeal. Further during the intervening period, there was spread of Covid-19 pandemic.

3. Learned advocate appearing for respondents strongly opposed the prayer.

4. Having considered the submissions advanced and the reasons as canvassed on behalf of the applicant, case is made out to condone the delay. Hence, civil application is allowed.

Delay of 855 days caused in filing the appeal is condoned.
Civil application stands disposed off.

5. First Appeal be registered. On registration of the appeal, issue notice to the Respondents. Ms. Khandelwal h/f Mr. Kadad learned advocate waives notice for respondent no.1,2. Mr. Kanade, learned advocate waives notice for respondent no.3.

6. Call for record and Proceeding.

7. Place the matter for further consideration on 20.6.2024.

(S. G. CHAPALGAONKAR, J.)

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aaa/-