



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 2173 OF 2022
IN FAST/19487/2019

NAGNATH GANGARAM ANANTWAR AND ORS
VERSUS
RAJIV KUMAR SHIV MOHAN BAJAJ AND ORS

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Mr. R. C. Bora h/for Mr. Kiran M. Nagarkar, Advocate for Applicant
Mr. Suraj R. Bagul, Advocate for Respondent Nos. 2 and 3.

CORAM : Y. G. KHOBRAGADE, J.
DATE : 4th April, 2024

ORDER:

1. By the present application, the applicants/claimants prayed for condonation of delay of 2347 of days caused while lodging the appeal against the judgment and award dated 25.10.2012 passed by the District Judge-4 & Ex- Officio Member, Motor Accident Claims Tribunal, Nanded in MACP No. 439 of 2008.

2. The learned counsel appearing for the applicants submits that on 25.05.2006 accident was caused and the claimants had filed MACP No. 439 of 2008 for grant of compensation. On 25.10.2012, the learned Tribunal passed the judgment and award, however, the claimants had filed review petition, which has been decided on 19.04.2017. Thereafter, due to financial crises and some papers were missing, the claimants could not contact with their counsel for a considerable period

and after collecting papers, they obtain legal advice and then filed this appeal for which delay of 2347 days caused.

3. Per contra, the learned counsel or the respondents filed reply and resisted the application for condonation of delay on the ground that the delay has not been properly explained, so also, the grounds set out for condonation of delay are not proper. Hence, prayed for rejection of the same.

4. It is settled law that the litigants should not be deprived from receiving substantial justice on technical ground and if the delay is bonafide and sufficiently explained, the Court should take a liberal approach while condoning the delay.

5. No doubt, on 25.10.2012, the learned Member of the Tribunal passed the judgment and award and directed Respondent Nos. 1 to 3 to jointly and severally pay Rs. 3,11,000/- towards compensation. It is evident that subsequently, the claimants filed review petition bearing MACP (RJE) 13 of 2013 which came to be decided on 19.04.2017.

6. The reasons assigned by the claimants are that due to financial crises and as some papers were missing, they could not approach the Court in time. The grounds set out in the application for condonation of delay appears to be justifiable and bonafide. Therefore, the delay deserves to be condoned. However, the applicants will not be

entitled to claim interest for the period from 25.10.2012 till filing of this application i.e. 23.06.2019

7. In view of the above, the civil application is allowed. The delay is condoned.

8. The applicants/appellants shall file undertaking that they will not claim interest for the period from 25.10.2012 till filing of this application i.e. 23.06.2019, which would be part of the appeal.

9. Office to register the appenals and place before this Court for further action on 25th April, 2024.

(Y. G. KHOBRAGADE, J.)

JPChavan