



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

**CIVIL APPLICATION NO. 13521 OF 2018
IN FAST/32338/2018**

**SACHIN BABU NAGPURE
VERSUS
WASEEM AKRAM SHAIKH HAMID AND ORS**

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Mr. A. C. Darandale, Advocate for applicant
Mr. S. S. Patil, Advocate for respondent No.2
Mr. N. C. Garud, Advocate for respondent No.3
Mr. Swapnil Lohiya, Advocate h/f Mr. R. F. Totla, Advocate for
respondent No.4

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 06 MAY 2024

PER COURT :-

1. Heard the learned Counsel appearing for the respective parties at length.
2. None appeared for the non-applicant No.1 though duly served with notice.
3. The applicant – original claimant prays for condonation of delay of 167 days caused while lodging the appeal

against the judgment and award dated 17.01.2018, passed by the learned Member, Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P No. 24 of 2015. The learned Counsel appearing for the applicant submits that due to paucity of funds as well as due to ill health of the applicant, he could not file the appeal within the period of limitation and the delay of 167 days caused, which is *bona-fide* and substantial.

4. Per contra, the learned Counsel appearing for the non-applicant Nos. 2 to 4 strongly opposed the application on the ground that the paucity of funds is not a *bona-fide* and substantial ground to condone the delay of 167 days, hence prayed for rejection of the application.

5. It is submitted that the provisions of Section 166 and 173 of the Motor Vehicles Act, are in social beneficiary nature. In the case in hand, the claimant intends to file appeal challenging the judgment and award dated 17.01.2018 passed by the learned Member, M.A.C.T. Ahmednagar in M.A.C.P No.24 of 2015, whereby meagre amount of compensation has been granted and as such, due to ill health of the claimant and financial crises, he could not file appeal within the

period of limitation, which appears to be *bona-fide* and substantial. Therefore, I am inclined to grant the application and proceed to pass following order:-

ORDER

- (i) The civil application is allowed.
- (ii) The delay of 167 days caused in filing appeal is hereby condoned.
- (iii) Office to register the first appeal and place it before the Court on 13.06.2024.

[Y. G. KHOBRADE, J.]

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