



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

909 CIVIL APPLICATION NO. 3328 OF 2023
IN / AND
FAST/8084/2023

SURYAKAN KUNDLIK MEDHE THROUGH HIS NEXT FRIEND-WIFE
VANITA SURYAKANT MEDHE

VERSUS

BALAJI PANDURANG DESHMUKH

...

Advocate for Applicant : Mr. Chavan Prasanna Shankarrao

Advocate for Respondent No.1 : Mr. R. A. Tambe h/f. Mr. K. A. Kadam

...

CORAM : ROHIT W. JOSHI, J.

DATE : 26th FEBRUARY, 2025

P.C.:

CIVIL APPLICATION NO. 3328 OF 2023 :-

1. This is an application seeking condonation of delay in filing an appeal under Section 173 of the Motor Vehicles Act, 1988.
2. Although respondent No.2 is served, none appears for respondent No.2.
3. The appellant is the original claimant who has suffered brain injury in a road accident. The learned tribunal has recorded finding that the appellant has suffered 100% disability.
4. Having regard to the said fact that the appellant has suffered 100% disability, I am inclined to condone the delay of 177 days for filing First Appeal, although the learned Advocate for respondent No.1

strongly opposed the application.

5. Civil Application is allowed. Delay caused for filing First Appeal is condoned.

FIRST APPEAL (ST) NO. 8084 OF 2023:-

6. Appeal be registered.

7. Call record and proceeding.

8. Issue notice to the respondents returnable on 23.04.2025.

9. Learned Advocate Mr. Tambe h/f. Mr.Kadam waives service of notice for respondent No.1.

10. The appellant is permitted to serve respondent No.2 by all permissible modes of private service, in addition to the regular mode of service.

11. Office to ensure that the record and proceeding is received before the returnable date.

12. The parties are put to the notice that the appeal may be heard finally at the admission stage.

[ROHIT W. JOSHI J.]

Narwade/