



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 CIVIL APPLICATION NO. 6155 OF 2024
IN FAST/12736/2024

TEJAS SUNIL JADHAV
VERSUS
MOIZ SHAUKATALI PATEL AND ORS

...

Advocate for Applicant : Mr. Garud N. C.
Advocate for Respondent No.3 : Mr. Anand S. Dale h/f Mr.
Kadethankar A. B.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 01.08.2025

PER COURT :-

1. Heard both sides.
2. Applicant is seeking condonation of delay of 2460 days in preferring appeal.
3. Learned counsel for the applicant Mr. Garud submits that in an accident, the applicant sustained serious injuries and suffered prolonged medication. At the relevant time, he was a student and after accident, he sustained 100% permanent disability and confined to wheel chair. The injuries sustained by the applicant, have not been subsided rather continuous medication, personal attention, physio therapy are required. He would rely on the medical certificate produced on record to

show the ailment and the sufferings of the applicant. He would advert my attention to the grounds mentioned in paragraph Nos.3 to 5 which are good grounds for condonation of delay. It is further submitted that in paragraph Nos.4 and 5, it is candidly stated on oath that applicant is ready to give up interest for the delayed period. It is further submitted that the delay is not intentional and there are no malafides in preferring appeal belatedly.

4. Per contra, learned counsel for respondent/insurance company opposes the application and the submissions of the applicant. It is submitted that already the amount under award with accrued interest is received by the applicant. The delay is inordinate and not adequately explained. It is submitted that appeal could have been filed by the applicant avoiding the merit.

5. I have considered rival submissions of the parties. It was a injury claim and in accident, applicant sustained serious injuries causing 100% permanent disability. At the relevant time, he was of 23 years old student and it revealed from record that continuously he is required to undergo medication. The averments stated in paragraph Nos.3 to 5 have not been

controverted. There is no reason to discard the medical certificate which is at Exh.A.

6. There is every reason to believe that for the prolonged medication and for future treatment also he might have been required to spare substantial amount. The further treatment in the form of physio therapy and medication is likely to cost considerably.

7. The submission of the learned counsel for applicant that there are no malafides has a substance. Nothing is shown that deliberately appeal is preferred belatedly. When the applicant is ready to forego interest for the delayed period, I find that the case is made out to condone the delay which is the practical approach.

8. Civil application is allowed and the delay caused in appeal shall stand condone on condition that applicant shall not be entitled to interest for the period of 2460 days in case he succeeds in appeal.

(SHAILESH P. BRAHME, J.)

...

vmk/-