

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.635/2024

IN

FIRST APPEAL ST. NO.12349/2023

Laxmi wd/o Ashok Manvatkar and others

Vs.

M/s Mine Manager and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.P. Mirache, Advocate for applicants
Ms Ashwini S. Athaley, Advocate for respondent No.2

CORAM : SHYAM C. CHANDAK, J.
DATED : 27.06.2025

Heard.

2. Present application seeking condonation of 331 days delay in filing the aforesaid appeal against the judgment and award dated 05.05.2022, in Claim Petition No.660/2017, passed by the learned Member Motor Accident Claim Tribunal-1, Nagpur.

3. Despite notice, none appeared for respondent No.1.

4. The learned Counsel for respondent No.2 opposed the application.

5. The learned Counsel for the applicants submits that applicant No.1 is widow and applicant Nos.2 to 4 are children of the deceased. The children were minor and taking education at the time of the accident. The applicants are poor. Therefore, they could not arrange sufficient money, to file the appeal in time. He submits that the deceased was earning Rs.2,00,000/- (Two Lakhs) per annum, but his annual

income has been held at Rs.84,000/-. As such, the amount of award is less. He submits that the applicants have a good case on merit to get more compensation. In view thereof, the application is allowed.

6. The delay of 331 days is condoned.
7. The Civil application is disposed.
8. Appeal be registered.

FIRST APPEAL ST. NO.12349/2023

Heard.

2. Issue notice to the respondents, returnable after six weeks.
3. Ms A.S. Athalye, learned Counsel waives service of notice on behalf of respondent No. 2.
4. Call for record and proceeding.
5. Parties are put to notice that the appeal will be taken up for final hearing at the stage of admission, if the record and proceeding is received.

(SHYAM C. CHANDAK, J.)