

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

CIVIL APPLICATION (CAF) NO.204/2024

IN

FIRST APPEAL ST. NO.18346/2023

Vivek s/o Narendrakumar Chauhan Vs.
M/s. Hindustan Petroleum Corporation Ltd. 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 R.V. Kalia, Advocate for respondent No.2

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

Heard.

2. Present application is filed by the original claimant thereby he prayed to condone 566 days delay in filing the aforesaid appeal against the judgment and award dated 20.11.2021, in Claim Petition No.1330/2013, passed by the learned Member, Motor Accident Claim Tribunal – 1, Nagpur.

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

4. Ms R.V. Kalia, learned Counsel for respondent No.2 opposed the application strongly.

5. Shri K.P. Mirache, learned Counsel for applicant submits that the applicant has suffered 10% disability, due to the accidental injury. The applicant is not able to work and earn, as before. The applicant is depending on his family members to some extent. The applicant is facing hardships because of the disability. Consequently, he could not file the appeal in time.

6. The learned Counsel for the applicant submits that the Tribunal held that the applicant has suffered only 3% functional disability. As a result, 'less' compensation has been awarded. He submits that considering the injury and disability, the applicant has a good case on merit to get more compensation.

7. In view of the above submissions, the application is allowed.

8. The delay of 566 days in filing the appeal is condoned.

9. The Civil application is disposed.

10. Appeal be registered.

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Heard.

2. Issue notice to the respondents, returnable after six weeks.

3. Ms R.V. Kalia, 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.)