



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

CIVIL APPLICATION NO. 2993 OF 2023 IN
FIRST APPEAL ST. NO. 18841 OF 2023

Mohd. Gulab Khan Nadar Khan Pathan

..VS..

Kausalyabai Trambak Chincholkar and ors.

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

Court's or Judge's orders

Shri V.R. Thote, Advocate for the appellant/applicant.
Shri S.B. Sarode, Advocate h/f Shri Lalit Limaye, Advocate for
respondent no.3.

CORAM: ROHIT W. JOSHI, J.
DATE : 29/01/2025.

The respondents/Claimants though served have not entered appearance.

2. By the present application, the appellant/original respondent no.2 owner of the vehicle, seeks for condonation of 511 days delay in filing the first appeal challenging the Award dated 20.01.2022 passed by the learned Member, Motor Accident Claims Tribunal, Akola.

3. The learned Counsel for the applicant states that initially an application for review was filed bearing M.V.M.J.C. No.2/2023. The said application was rejected vide order dated 24.07.2023, and thereafter, the present application is preferred on 05.09.2023. He submits that the applicant was *bona fide* prosecuting a wrong remedy as per legal advice, and therefore, delay should be condoned in the interest of justice.

4. Learned Counsel appearing for the respondent no.3/Insurance Company opposes the application stating

that this cannot be a ground for condonation of delay.

5. As regards the remedy to be adopted for assailing orders by which a person is aggrieved he would normally follow legal advice. It appears that in the present matter as well, the applicant had followed the legal advice given to him.

6. In such circumstances, the delay deserves to be condoned and is condoned accordingly.

7. The Civil Application is allowed, subject to payment of costs of Rs.5,000/- to the Government Pleaders Library, Nagpur, within two weeks.

8. The Civil Application stands disposed of accordingly.

(ROHIT W. JOSHI, J.)

Trupti