

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 840 OF 2014

IN

STAMP NUMBER MAIN NO. 2873 OF 2014

COMMANDING OFFICER AND ANR.

... Applicant

Versus

MR. DATTATRAYA UTTURKAR AND ANR.,

... Respondents

Mr. Mahesh Amonkar, Advocate for the applicants.

Mr. Joaquim Godinho, Advocate for the respondents.

Coram:- K. L. WADANE, J.

Date:- 15th January, 2015

P.C.

Heard Mr. M. Amonkar, learned counsel appearing for the applicants and Mr. J. Godinho, learned counsel appearing for the respondents.

2. The present application is filed by the applicants under the provisions of Section 5 of the Limitation Act for condonation of delay caused for filing an appeal against the judgment and award dated 24.07.2014 passed by the Motor Accident Claims Tribunal, Margao in Claim Petition No. 188/2012. The delay of 9 days is sought to be condoned on the ground that some time was consumed for official correspondence for obtaining sanction from the head office of the applicants so also time was also consumed for receiving guidelines from the head office as well as for legal opinion. So in

that process the delay of 9 days is caused for filing the appeal.

3. On perusal of the grounds mentioned in the application, it appears that the applicants have properly explained the delay caused in filing the appeal because some time was required for correspondence between the applicants and its head office. It is settled principle of law that in the matter of the condonation of delay, no hyper-technical view has to be adopted by the Court because in the appeal the rights of the parties are involved and for giving them opportunity to examine their case, the delay caused for filing the appeal has to be condoned. Hence, the application is allowed. Nine days delay caused in filing the appeal is hereby condoned. The appeal be registered accordingly.

4. The application stands disposed of.

K. L. WADANE, J.

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