

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 2096 OF 2014
IN
FIRST APPEAL (St.) NO. 31556 OF 2013**

Sadhana Pratap Pawar ... Applicant
VS.
Annasaheb Balu Khot & Anr. ... Respondents

Mr. Tejpal S. Ingale, Advocate for the applicant.
Mr. Lalasaheb Bandal i/b. Mr. Ajay A. Joshi, Advocate for respondent no. 1.
Ms. Poonam Mittal, Advocate for respondent no. 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 4th September, 2015

P.C.:

This Application is moved for condonation of delay of nearly 6 years in filing the First Appeal for enhancement of the amount of award.

2. The learned counsel for respondent no. 1 prays for time to file reply.

3. The learned counsel for the applicant submitted that respondent no. 1 was served on 11th August, 2014. He pointed out the bailiff's report to that effect. The learned counsel for respondent no. 1 submitted that copy of the application was given to him on 28th July, 2015, hence, he prays for time.

4. The learned counsel for respondent no. 2/insurance company confirms that insurance company was also given the copy of the application on 24th July, 2015.

5. Perused the Appeal memo, the Application and the photographs of the applicant. Considering the time consumed in filing the say, I am not inclined to give more time. On perusal of the photographs, it appears that the disability is of greater degree. In view of this and the reasons mentioned in the Application that initially the applicant was advised to file Review Application and thereafter time was consumed and due to her physical and economical condition, the Appeal was not filed in time are found satisfactory and hence, the delay of 6 years is condoned. Civil Application is allowed.

6. Appeal be registered. Place the First Appeal for admission on 9th October, 2015. It is made clear that the Appeal will be decided finally at the stage of admission. Notice is waived in Appeal.

(MRS.MRIDULA BHATKAR, J.)