

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.104 OF 2015
IN
FIRST APPEAL (ST). NO.33941 OF 2014**

Mr.Sahebrao R. Patil

.. Applicant

Vs.

Mrs.Vidhya S. Patil and Ors.

.. Respondents

Mr.S.A.Rajeshirke for the applicant

**CORAM : K.K.TATED, J.
DATED : 20/02/2015**

PC:

1 Heard the learned counsel for the applicant.

2 This application is preferred by original respondent for condonation of 4 years and 49 days delay in filing First Appeal challenging the judgment and award dated 20.07.2010 passed by MACT, Sangli in MACP No.171 of 2006 holding that the respondents claimants are entitled compensation of Rs.3,36,000/- with 7.5% interest.

3 The learned counsel for the applicant submits that the compromise talks were going on between the parties. Hence, there was delay in preferring the present First Appeal. In support of this

contention, he relies on paragraph 6 of the Civil Application. He submits that if delay is not condoned, irreparable loss and injury will be caused to the applicant. He further submits that they have good chance of success in the present Civil Application. He submits that the Tribunal has not considered contributory negligence at the time of passing impugned award. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing First Appeal and matter be heard on its own merits.

4 I have heard the learned counsel for the applicant at length. In the present proceeding, the Tribunal passed judgment and award on 20.07.2010. Thereafter, applicant applied for certified copy on 24.11.2014. Same were ready and collected on 29.11.2014. The present First Appeal was filed on 6.12.2014. In the entire Civil Application, there is no explanation why the applicant took more than four years in applying certified copy of impugned judgment and award. The reason given by the applicant in paragraph 6 of the Civil Application about settlement cannot be a ground for condonation of delay.

5 Our High Court in the matter of **Laxman Divekar Vs. State of Maharashtra 1998 (1) Mh.L.J 745** held that Court has no power to arbitrarily condone the delay in the name of advancing substantial justice just because the applicant happen to be a Corporation.

6 The Apex Court in the matter of **Damodar Pillai Vs. South Indian Bank Ltd, 2005(5) All.M.R. 961 (SC)** held that hardship or

injustice is not a ground for extending the period of limitation.

7 The Apex Court in the matter of **Pundlik Jalam Patil Vs. Ex.Engg. Jalgaon Medium Project and Ors, 2008(6) BCR 513** held that unless and until sufficient cause is shown, inordinate delay should not be condoned.

8 The Apex Court in the matter of **Oriental Aroma Chemical Industries Limited Vs. Gujarat Industrial Development Corporation reported in 2010 (5) SCC 459**, held that in the absence of sufficient cause, Court should not condone the delay.

9 Recently, the Apex Court in the matter of Esha Bhattacharjee Vs. Managing Committee of **Raghunathpur Nafar Academy 2013(12) S.C 450** held that if sufficient cause is not shown, application for condonation of delay be rejected.

10 Considering the submissions made by the learned counsel for the applicant and the law declared by the Apex Court, I am of the opinion that applicant failed to disclose sufficient cause for condonation of delay of 4 years 49 days in filing First Appeal.

11 Hence, Civil Application is rejected.

(K.K.TATED, J.)