

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

**CIVIL APPLICATION NO. 1628 OF 2014
IN
FIRST APPEAL (STAMP) NO. 28102 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. S.S. Vidyarthi, a/w Deepita Putta, for
Applicant.

CORAM : K.K.TATED, J.
DATED : 27/02/2015

1. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2. This Application is preferred by the Insurance Company for condonation of delay 1 year & 43 days delay in filing the First Appeal challenging the Judgment and Award dated 19th December, 2011 passed by Motor Accident Claims Tribunal, Mumbai in Application No. 3123 of 1996 by which the Tribunal awarded sum of Rs.7,500/- with 7.5% to the Respondent-Claimant by way of compensation.

3. The learned counsel for Applicant submits

that they applied for certified copy on 30th December, 2011. The same was ready for delivery on 25th May, 2012. Thereafter he collected the certified copy of Judgment and Award on 5th June 2012. He submits that they filed the present First Appeal on 26th September, 2013.

4. The learned counsel for Applicant submits that the Office of the Applicant sought opinion of their panel Advocate in the month of July 2012. Thereafter, the Mumbai regional office TP HUB also applied its mind to the facts and circumstances of the case and decide to file appeal. He submits that due to communication gap between the Divisional Office and Regional Office there is delay in filing the First Appeal in this Court. He further submits that due to pressure of work, preparation of cheques required for filing Appeal, such as mandatory deposit under Section 173 and Court fees cheque, there is delay in preferring the First Appeal. He submits that Applicant have good chance of success in the present matter.

5. The learned counsel for the Applicant submits that the Tribunal by impugned Award dated 19th December, 2011 awarded Rs.7,500/- with 7.5% by way of compensation to the

Respondent-Claimants. He submits that in the interest of justice this Hon'ble court be pleased to condoned the delay.

6. I have heard learned counsel for the Applicant at length. It is to be noted that in the present proceedings the tribunal has awarded compensation of Rs.7,500/- with 7.5% interest. The Applicant has filed the present appeal though very meager amount has been awarded by the Tribunal. Apart from that, there is delay of 1 year and 43 days in filing the First Appeal which has not been explained satisfactorily. The Applicant has not shown sufficient cause for inordinate delay of 1 year and 43 days. Therefore, I am of the view that the Applicant failed to show sufficient cause for inordinate delay. Hence Civil Application stands rejected.

(K.K.TATED, J.)