

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 4196 OF 2012
IN
FIRST APPEAL (ST.) NO. 32604 OF 2012**

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. M. Dange for the applicant.

Mr. J. S. Kapre for the respondent no.1.

CORAM : K. K. TATED, J.

DATED : 13/02/2015.

P.C.:

. Heard learned Counsel for the parties.

2 This application is preferred by insurance company for condonation of 251 days delay in filing First Appeal challenging the Judgment and Award dated dated 30.11.2011 passed by the Motor Accident Claims Tribunal, Pune in M.A.C.P No. 1241 of 2014 awarding compensation of Rs.8,66,000/- with 7% interest to claimants.

3 In the present proceeding, the applicant applied for certified copy on 15.03.2012. Same were ready for delivery on 09.04.2012 and thereafter, the First Appeal filed in this Court on 06.11.2012.

4 The learned Counsel for the applicant submits

that initially the respondents claimants filed the application for compensation at Goa. Thereafter, the same was transferred in 2004 in Pune court as per Order passed by this Court. He submits that as soon as the award passed by the Trial Court, the Regional office of the applicant forwarded the paper to the Goa office. Goa office took time to prosecute the case. Hence, there is a delay.

5 The learned Counsel for the applicant submits that in the present proceeding, the Tribunal awarded compensation on higher side. He submits that they have good chance of success in the present proceeding. If delay is not condoned, irreparable loss and injury will be caused to the applicant.

6 On the other hand, the learned Counsel for the original claimants vehemently opposed the present application. He submits that applicant has not shown sufficient cause for condonation of inordinate delay of 251 days in filing First Appeal. He submits that there is no substance in the present Civil Application and same to be dismissed with costs.

7 I heard both the sides at length. Admittedly, in the present proceeding though the sufficient cause not shown by the applicant for condonation of 251 days delay, but considering the fact that initially the mater was filed at Goa and thereafter it is

transferred to Pune and because of that there is delay on part of applicant to file the present appeal. Considering this fact, I am of the opinion that applicant has made out case for allowing Civil Application. But, at the same time, applicants have to pay costs of Rs.10,000/- to the claimants within four weeks from today.

8 Hence, the following order.

a) Delay of 251 days is condoned in filing First Appeal.

b) Applicant either to deposit in this court or pay directly to the claimant no.1 or her Advocate a cost of Rs.10,000/- within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

c) Civil Application disposed of accordingly.

(K.K.TATED, J.)