

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 295 OF 2016

IN

STAMP NUMBER (APPLN.) NO. 1033 OF 2016

SHRI. SATYAWAN GUNO NAIK.

... Applicant

Versus

SHRI. MENINO MARIO FERNANDES AND 5
ORS.,

... Respondents

Shri Shashikant Narayan Joshi, Advocate for the applicant.
Shri E. Afonso, Advocate for the respondent no.2.
Shri Shambhu Satchidanand Kakodkar, Advocate for the original
appellants nos.1 to 6.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 16th September, 2016

P.C.

Heard.

2. i have considered the grounds urged in the application for the condonation of delay which do not at all substantiate the case on behalf of the applicant nor justify any interference of this Court to condone the delay.

3. Considering the records, it is apparent that the applicant was not at all diligent in pursuing his remedy before the Concerned MACT which dismissed the petition. However, his negligence was further perpetrated inasmuch as he did not participate in the appeal filed before this Court and it was nowhere his case that he was not served in the proceedings. Rather he had been duly served before the

MACT and for the reasons best within his knowledge he chose not to contest. In any event no ground whatsoever is made out to condone the delay. Moreover, it is undisputed that the original appellants had filed an appeal challenging the dismissal of the Claim Petition before this Court and which appeal was partly allowed by the judgment dated 11.9.2014 fastening the liability on the driver and the owner to pay the compensation due to the claimants/appellants. The applicant is apparently saddled with the award passed by this Court and is now seeking to recall the said order under the guise of the application for the condonation of delay. No ground whatsoever is made out to entertain the application which is hereby dismissed.

4. The application stands disposed off.

NUTAN D. SARDESSAI, J.