

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 871 OF 2015

IN

STAMP NUMBER MAIN NO. 2631 OF 2015

UNITED INDIA INSURANCE CO. LTD.,

... Applicant

Versus

VICTOR DANIEL AND ANR.,

... Respondents

Mr. A.R.S. Netravalkar, Advocate for the applicant.

Mr. C.A. Coutinho, Advocate and Mr.S. Redkar, Advocate for respondent no.1.

Coram:- K. L. WADANE, J.

Date:- 17th March, 2016

P.C.

Heard Mr. Netravalkar, learned counsel appearing for the applicant and Mr. Coutinho, learned counsel appearing for the respondent no.1.

2. This is an application for condonation of delay caused for filing an appeal against the judgment and award dated 31st March, 2015 passed by the Presiding Officer of Motor Accident Claims Tribunal, Margaon in Claim Petition No.125/2012. For filing an appeal, there was delay of 45 days caused, on the following grounds:

The petitioner received a copy of the judgment and award in the third week of April, 2015 from their Advocate. After receipt of the judgment and award and after processing the file by the Divisional

Office of the applicant forwarded it to the Regional office of the applicant at Bombay. In the second week of June 2015 Bombay Regional Office forwarded the entire file along with the judgment and award to the Head Office at Chennai since the matter was beyond the authority and powers of the Regional Office at Bombay to take any such decision as the award was beyond financial power of their Regional Office. The Head Office at Chennai scrutinized the entire record, judgment and award and has made recommendation for filing an appeal and forwarded it to the Regional Office and the applicant received the same from the Regional Office in the month of June 2015. It is submitted that thereafter immediately Mumbai Divisional Officer of the applicant forwarded the papers to its Advocate. The Advocate took about a week's time to prepare and finalise the appeal memo and presented it before this Court on 24.8.2005 and in that process the delay of 45 days has been caused.

3. Mr. Netravalkar, the learned Advocate appearing for the applicant/appellant has argued that the delay caused for filing an appeal is not intentional but it is due to procedure to be followed by the petitioner. As per procedure, the appeal proposal was to be scrutinized from Officer to Officer depending upon their powers to take decision in reference to the amount of the compensation. From the record, it reveals that some time was consumed due to procedural aspect due to which it cannot be said that the delay caused for filing an appeal is an intentional.

4. Mr. Coutinho, the learned counsel appearing for the respondent no.1, has objection to condone the delay. During the course of the argument, he argued that there was total negligent on the part of the petitioner. Now-a-day, such proposal to file an appeal can be sent through E-mail or other electronic mode to save time. Hence, according to Mr. Coutinho, the delay caused for filing an appeal due to negligence of the petitioner.

5. Looking to the facts and circumstances of the present case, I am of the opinion that the delay caused is not an intentional. However, respondent no.1 can be compensated by awarding certain costs and delay can be condoned. Hence, I pass the following order:-

Order

The application for condonation of delay is allowed, subject to the costs of Rs. 1000/- to be paid to the respondent no.1 within four weeks.

K. L. WADANE, J.

mukund