

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1167 OF 2012

IN

FIRST APPEAL (ST.) NO. 7060 OF 2012

Shri Gunwant Premnath Kajale

...Applicant/
Appellant

Versus

Balu Baurao Shejwal & Anr.

...Respondents

Mr. A.M. Gokhale, for the Applicant/Appellant.

Ms. Poonam Mital, for Respondent No. 2.

CORAM : R.M. SAVANT, J.

DATE : 9th August 2016

PC. :

1. The above Civil Application has been filed for condonation of delay of 2 years and 312 days in filing the above First Appeal. The reasons therefore, are mentioned in paragraphs 3 and 4 of the Civil Application as also in the Additional Affidavit dated 26th March 2015.

2. The Appeal is sought to be filed against the judgment

and order dated 11th December 2008 of the MACT, Thane. It seems that the Applicant had earlier filed an Appeal being Appeal No. 474 of 2009 in this Court on 25th March 2009. It is the case of the Applicant that the said Appeal was withdrawn. Thereafter, the Advocate engaged by the Applicant Shri. M.B. Kotak expired in the year 2012 and the Applicant had to engage the present Advocate Shri. A.M. Gokhale upon whose advise the instant First Appeal has been filed. Since in the process, the delay of 2 years and 312 days has occurred that the instant Application for condonation of delay has been filed. The Application before the MACT, Thane was under Section 163 A of the Motor Vehicle Act. The Applicants are the parents of the deceased.

3. In my view, it would be just and proper to exercise discretion in favour of the Applicant by condoning the delay of 2 years 312 days in filing the above Appeal.

4. The above Civil Application is accordingly allowed. The Appeal to be shown for admission on 30th August 2016. The above Civil Application to stand disposed of.

[R.M. SAVANT, J.]