

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

**CIVIL APPLICATION NO. 1540 OF 2016
WITH
CIVIL APPLICATION NO. 1541 OF 2016
IN
FIRST APPEAL (STM) NO. 7808 OF 2016**

The New India Assurance Company Limited ... Applicant

vs.

Smt.Shanta Pandurang Pednekar and ors. ...Respondents

Ms. Jyoti Bajpayee, Advocate for the applicant.
None for the respondents.

Coram : Smt. R. P. SondurBaldota, J.

Date : 25th April, 2016

P.C. :

1. This civil application is for condonation of delay of 31 days in filing the appeal to challenge the judgment and award dated 31st October, 2015.

2. The explanation for the delay is set out at para 5 of the civil application. The applicant had applied for certified copy of the judgment and decree on 23rd November, 2015. This would mean that, there was substantial delay on the part of the applicant in applying for the certified copy. This delay has not

been explained in the civil application. As per the applicant, the certified copy was ready and collected on 4th December, 2015. Then, on 11th December, 2015 the applicant received opinion of it's advocate that the applicant should file appeal against the judgment and award. Thereafter, until 29th February, 2016 the applicant had not forwarded the papers to it's present advocate for filing the appeal. The explanation stated therefor is that, the file was required to be sent initially to the Pune Regional Office and thereafter to Mumbai Office to the higher officers of the applicant to take decision of preferring appeal.

3. The explanation offered is no explanation in true sense of the term. Any movement of papers within the organization of the applicant has to fit into the period of limitation prescribed for preferring the appeal. Hence, the civil application is dismissed.

4. In view of dismissal of the civil application, the first appeal preferred by the applicant does not survive. The same is accordingly disposed off. The applicant is at liberty to withdraw the statutory deposit of Rs.25,000/-. Refund of court-fees in accordance with the law.

5. In view of disposal of the appeal, Civil Application No. 1541 of 2016 does not survive. The same is accordingly disposed off.

[Smt. R. P. SondurBaldota, J.]