

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2062 OF 2011
IN
FIRST APPEAL (STAMP) NO.10229 OF 2011

The Secretary,
Maharashtra State Road Transport
Corporation, Mumbai

.... Applicant

V/s.

Abhay *alias* Nandu Palkar

.... Respondent

Mr. P.G. Lad a/w. Ms. Aparna Muralidharan for the Applicant.

Mr. S.S. Kanetkar for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 25TH AUGUST 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This is an application for condonation of delay of 247 days in preferring the First Appeal, challenging the Judgment and Award dated 26th March 2010, as passed by the M.A.C.T., Mumbai in Application No.731 of 1999.
3. It is submitted by learned counsel for the respondent that, absolutely no explanation is given for this inordinate delay. Paragraph No.2 of the Civil Application is not making out sufficient cause for condonation of delay. Affidavit-in-reply is also filed to that effect by the respondent.

4. However, in my considered view, having regard to the averments made in paragraph No.2 of the Civil Application that the applicant herein is a Maharashtra State Road Transport Corporation and the delay was caused on account of the dearth of communication by the advocate with the applicant-M.S.R.T.C., as a result of which the decision of filing the First Appeal was held up.

5. In view thereof, taking a liberal view, in my considered opinion, as the matter is required to be decided on merits and not to be dismissed at the threshold itself, this Civil Application for condonation of delay is allowed with no order as to costs.

6. Office is directed to number the First Appeal and place it for admission on 3rd October 2016.

7. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]