

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

**CIVIL APPLICATION NO. 2839 OF 2009
IN
FIRST APPEAL (STM) NO. 16022 OF 2009**

Shri. Mukesh Vishwanath Kharat ... Applicant.

vs.

Shri. Surendra B. Sharma & anr. ... Respondents

Ms. Shruti Gokhale h/f Mr. Avinash Gokhale, Advocate for the applicant.

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

Date : 6th May, 2016

P.C. :

1. This civil application is for condonation of delay in filing the appeal to challenge the order dated 17th June, 2008, by which the applicant's application for compensation under the Workmen's Compensation Act for the injuries sustained by him in an accident was dismissed. The impugned order holds that the injury sustained by the applicant to his head was a minor injury and the injury of fracture of his cheek-bone cannot affected his driving skill.

2. The applicant at para 3 of the application states that he is a crippled person and as such is penniless. He was dependent upon others for his subsistence. Thus, he did not have money to come to the Court earlier and hence the delay.

3. The claim made in the application is completely devoid of the necessary particulars. It does not disclose his occupation, his income, the name of his well-wishers on whom he was dependent, when and how he generated the money to file appeal etc. In the absence of the material particulars his claim of inability to file appeal cannot be believed. Thus, the application makes no case, whatsoever, for condonation of delay. Hence, the application is dismissed.

4. In view of dismissal of the application, the first appeal does not survive. The same is accordingly disposed off.

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