

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2301 OF 2015
IN
FIRST APPEAL (ST.) NO. 23504 OF 2014

Shri. Ganesh Sukumar Patil
Vs.

The General Manager,
The Maharashtra State Road Transport
Corporation, Mumbai and 2 others

... Applicant
(Orig.Claimant)

... Respondents
(Orig. Opp. Nos. 1 to 3)

.....

Mr. T. J. Mendon a/w Mr. Sudhakar G. Thorat for the Applicant.
Mr. C.M. Lokesh i/b. Mr. G.S. Hegde for Respondent Nos. 1 and 2.

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**CORAM : S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE : DECEMBER 14, 2016.

P.C. :

1. Having heard both sides and finding that there is sufficient cause for delay of 445 days in filing this appeal, the same is condoned.

2. It is pointed out as to how on account of an accident, the applicant/appellant cannot attend to his day-to-day activities. The applicant/appellant and his relatives have to struggle and are still struggling for providing medical attention and medical care. There is an explanation provided from paragraphs 6 to 9 about the hardship and difficulties on account of the unfortunate accident.

In these circumstances, ordinarily, a public body like respondent nos.1 to 3 before us, should not be opposing the request for condoning the delay. Sufficient time was granted by this Court to them to oppose the same by filing an affidavit. The notice was served on the respondents as far back as in 2015. From that day, they had sufficient time to file an affidavit. When the matter was placed before us, we also granted the request on 30th November 2016. But, despite enough opportunity having been granted, no affidavit-in-reply is filed.

3. In the above circumstances, Civil Application is made absolute in terms of prayer clause (a).

4. Registry to place this Appeal for admission on 17th January 2017.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)