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

CIVIL APPLICATION NO. 4345 OF 2014
IN
FIRST APPEAL (ST.) NO. 33812 OF 2014

United India Insurance Co. Ltd. … Applicant
V/s.
Smt. Vandana Sachin Changate & Ors. … Respondents

Mr. Sachin Kankal i/b K. N. Kandekar for the applicant.
None for the respondent.

CORAM : K. K. TATED, J.
DATED : 18/01/2016

P.C.:

. Heard learned Counsel for the Applicant. None for the Respondents though duly served.

2 Notice issued to Respondents on 06.01.2016 yet to be returned back. Though office has raised several objection including payment of court fees, the applicant has not removed the office objections.

3 This civil application is preferred by Insurance Company for condonation of 1 year and 160 days delay in filing First Appeal challenging the Judgment and Award dated 12.03.2013 passed by the Motor Accident Claims Tribunal, Nashik in M.A.C.P. No. 562 of 2010.

4 The learned Counsel for the Applicant submits that Trial Court passed Judgment and Award dated on 12.03.2013, thereafter they made application for certified copy on 14.03.2013 and same was made

available on 15.04.2013. He submits that after receiving the approval from the higher authority, the applicant has decided to challenge the same. Hence, there is delay of 1 year and 166 days in filing First Appeal. In support of this contentions, the learned Counsel for the applicant, relies on paragraph 5 of the Civil Application, which reads thus:

> *"5 The Award came to be passed on 12.03.2013 and dealing Advocate applied for certified copy on 14.03.2013 and C.C. made available on 15.04.2013. The Appellant says that after receiving the approval from the higher authority the Appellant has decided to challenge the same, therefore there is delay of 1 year and 160 days in filing this appeal. The delay is not deliberate and therefore the same is required to be condoned. The Appellant has very good case on merit."*

5 The learned Counsel for the Applicant submits that they have good chance of success in the present proceeding. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay and matter to be heard on its own merits. He further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicant.

6 I heard learned Counsel for the applicant at length. In this matter, though the applicant received certified copy on 15.04.2013, they filed First Appeal on 19.12.2014 i.e. after delay of 1 year and 166 days. The reason given by the applicant only in paragraph 5 of Civil Application that the higher authority took some time to decide, whether Appeal to be preferred or not. It is to be noted that nowhere applicant has explained when the matter was referred to the higher authority, when the higher authority taken that decision and when that

decision was communicated to the concerned Advocate for filing First Appeal. This itself shows that applicant has filed Civil Application in casual manner.

7 The Apex Court in the matter of Esha Bhattacharajee Vs. Managing Committee of **Raghunathpur Nafar Academy 2013(12) S.C 450** held that if sufficient cause is not shown, application for condonation of delay be rejected.

8 The Apex Court in the case of **B. Madhuri Gaud Vs. B. Damodar Reddy, 2012 (12) SCC 693** held that if sufficient cause is not shown, delay should not be condoned.

9 The Apex Court in the matter of **Oriental Aroma Chemical Industries Limited Vs. Gujarat Industrial Development Corporation reported in 2010 (5) SCC 459,** held that in the absence of sufficient cause, Court should not condone the delay.

10 The Apex Court in the matter of **Pundlik Jalam Patil Vs. Ex.Engg. Jalgaon Medium Project and Ors, 2008(6) BCR 513** held that unless and until sufficient cause is shown, inordinate delay should not be condoned.

11 Considering the reason disclosed in paragraph 5 of the Civil Application and law laid down by the Apex Court in the abovesaid matters, I do not find applicant has made out any case for condoning the inordinate delay of 1 year and 166 days.

12 Hence, Civil Application stands dismissed.

(K.K.TATED, J.)