

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.490/2013
IN
FIRST APPEAL (ST) NO. 36126/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Pritesh Bohade for the Applicant

CORAM : K. K. TATED, J.
DATE : JANUARY 20, 2016

P.C.:

1. Heard. This Application is made by the claimant for condonation of 3 years and 212 days delay in preferring the appeal challenging the award dated 29/01/2008 passed by the MACT, Niphad in MACP No.90/2004.

2. The learned counsel for the Applicant submits that because of financial difficulties, there is delay in preferring the First Appeal. He submits that the Applicant applied for certified copy of the impugned award on 16/05/2008 and it was received on the same day. He submits that they preferred the First Appeal in this court on 21/12/2012. He submits that the Applicant is

uneducated and for want of knowledge about the procedure to be adopted, there is delay. He submits that the Applicant received compensation awarded by the Trial Court on 06/01/2009. Thereafter the Applicant's relatives advised him to prefer the appeal for additional compensation. He submits that in the accident in question the claimant sustained 50% permanent disability. Hence, there is delay. In support of this contention, he relies on paragraph 9 to 11 of the Civil Application. He submits that the Applicant has good chance of success in the matter. He submits that if delay is not condoned, irreparable loss, harm and injury will be caused to the Applicant. On the basis of this submission, the learned counsel for the Applicant submits that the delay in preferring the Appeal may be condoned and the matter may be decided on its own merits.

3. Heard the learned counsel for the Applicant at length. In the present proceedings, the Trial Court passed the impugned judgment and award holding that the Applicant claimant is entitled to sum of Rs.1,74,861/- with 6% p.a. interest by way of compensation. The Applicant received certified copies on 16/05/2008. Thereafter the Applicant received the awarded amount on 06/01/2009. The

First Appeal has been preferred by the Applicant on 29/12/2012 i.e. after more than 3 years. The reasons disclosed by the Applicant in paragraph 9 to 11 about the financial difficulties, want of knowledge about the procedure to be adopted for filing First Appeal for additional compensation and the advice of his relatives, cannot be considered as sufficient ground for condonation of inordinate delay of more than 3 years.

4. Hence, the Civil Application stands rejected.

5. Consequently, registration of the First Appeal stands rejected.

JUDGE