

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.3341 of 2015
in
First Appeal Stamp No.15460 of 2015

(Kirti d/o Namdeo Harde

vs.

Baban Shriramm Mohite and others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Ms. M.H. Pathade, Advocate for the Applicant.
Shri P.G. phatak, Advocate for Non-Applicant No.2.

CORAM : S.B. SHUKRE, J.
DATE : 25th NOVEMBER, 2016.

Heard the learned Counsel for the applicant and the learned Counsel for non-applicant No.2. None appears for non-applicant Nos.1, 3 and 4, though duly served.

I have gone through the reply as well as the reply filed on behalf of non-applicant No.2. In the application, it is stated that this applicant came to Nagpur on 16/02/2014 and contacted her Counsel on 01/09/2014, and thereafter through her Counsel, she applied for issuance of certified copy of the judgment and order sought to be challenged by filing an appeal. It is also contended in the application that after receipt of the certified copy, this applicant learnt that the Tribunal granted less compensation to her. As pointed out by the learned Counsel for non-applicant No.2, this submission flies in the face of what this applicant did before 2nd September, 2014, when she applied for issuance of certified copy of the impugned judgment and order, which appears to be her second application for grant of such certified copy. Perusal of the reply clearly shows that this applicant was

having knowledge about the impugned judgment and order and in fact she had initiated execution proceedings on 3rd April, 2014 and had also withdrawn 50% of the amount awarded in January, 2015. All these facts are not mentioned in the present application filed on 27th January, 2015. The applicant is obviously taking the law for a ride. Such an attempt on her part must be dealt with strictly. The application, therefore, deserves to be rejected on this very ground as well as on the ground that the applicant in spite of having knowledge about passing of the impugned judgment and decree did not take steps for filing an appeal and has been utterly indolent in the matter.

Ordinarily this court would have imposed heavy costs upon the applicant, but considering the fact that the applicant is a woman, who has suffered injuries in the accident, I do not wish to add any salt to her injuries further. Therefore, in this particular case, I would refrain from imposing any costs upon the applicant.

The application stands rejected.

**sdw*

JUDGE