

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 690 OF 2016

IN

STAMP NUMBER MAIN NO. 642 OF 2016

SHRI. NARCIVHA CHARI ALSO KNOWN AS
NARCINHVA CHARI.,

... Applicant

Versus

MR. JOAO PEREIRA AND 2 ORS.,

... Respondents

Shri Prashil Arolkar, Advocate for the applicant.
Ms. R. Satardekar, Advocate for the respondent no.1 and 2.
Shri N. Govekar, Advocate for the respondent no.3.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 10th February, 2017

P.C.

Heard.

2. Shri P. Arolkar, learned Advocate adverted to the contents of the application under consideration and submitted that sufficient grounds have been made out for condoning the delay of 89 days in filing the appeal and which had to be condoned in the interest of justice.

3. Ms. R. Satardekar, learned Advocate for the respondent nos.1 and 2 submitted that there is no basis in the application for condoning the delay. The medical certificate relied upon by the applicant also does not refer to the details of the treatment and even otherwise the applicant was duly represented by his lawyer before the Claims Tribunal. The grant of the application would

amount to undue harassment to the respondent nos.1 and 2 and therefore, the application had to be dismissed. Shri N. Govekar, learned Advocate for the respondent no.3/insurer fairly conceded that the delay could be condoned at their instance.

4. The applicant had carved out a case that on account of his old age and multiple illnesses he could not pursue the application for seeking the certified copies of the judgment and award under challenge. Thereafter he was undergoing treatment for the same and which prevented him from pursuing the matter with his lawyer and to file an appeal. It is otherwise submitted by Shri Arolkar, learned Advocate for the applicant to which there was no singular dispute that the applicant had been completely non-suited by the learned Tribunal. The applicant in any event would not stand to benefit by moving the application belatedly which would be counter productive to his case. In any event and the in the interest of justice, i do not find any basis in the objection raised on behalf of the respondent nos.1 and 3. The application is allowed. The delay of 89 days in filing the appeal is accordingly condoned. Registry shall register the appeal.

5. The application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.