

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 425 OF 2017

IN

STAMP NUMBER MAIN NO. 1453 OF 2017

KARNATAKA STATE ROAD TRASPORT
CORPORATION THR. CHIEF LAW OFFICER
AND ANR.

... Applicants

Versus

SMT. TULSI ALIAS TULSI PRADEEP
KANDOLKAR AND 2 ORS.

... Respondents

Shri Pravin Agrawal, Advocate for the applicants.

Shri S. Kamat, Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 4th August, 2017

P.C.:

Heard Shri Pravin Agrawal, learned Advocate for the applicants and Shri S. Kamat, learned Advocate for the respondents.

2. Shri S. Kamat, learned Advocate for the respondents has filed his reply opposing the application for condonation of delay.

3. It was the contention on behalf of the applicants that the Judgment and Award was passed by the Motor Accident Claims Tribunal on 15/10/2016 and the certified copy was applied on that very date which was delivered on 04/11/2016. The Judgment and Award was then placed before the Assistant Law Officer and Divisional Controller, Belgaum on 29/12/2016 and thereafter, after obtaining the opinion the appellant has proceeded and filed the appeal. In that course, there was a delay of 89 days in filing the appeal and, therefore, the said delay had to be condoned. Besides, the applicants had a good case to succeed on merits and otherwise challenge the impugned Judgment and Award on the aspect that the learned Tribunal had not properly appreciated the facts and besides the quantum of compensation awarded also was too high.

4. Shri S. Kamat, learned Advocate for the respondents opposed the application on the premise that it was not maintainable and that the ground set out in the appeal was neither genuine nor believable. The appellants had sufficient time

to prefer the appeal and on that count urged that the contents therein were false and the same were manufactured to prepare the ground for filing the appeal at this belated stage. In such circumstances, the application should not be granted.

5. On a consideration of the submissions of the learned counsel, it is apparent that the applicant was diligent in applying for the certified copy and thereafter place the same before the Asst. Law Officer and Divisional Controller, Belgaum. Subsequently, some time was consumed to obtain the necessary approval and therefore in that course, the period of 89 days was additionally taken up in preferring the appeal. On a perusal of the impugned Judgment and Award it is apparent that the learned Tribunal found favour with the case of the appellants and also awarded a sufficient compensation of ₹30,56,000/-. In any event, the applicants would not stand to benefit by delaying the filling of the appeal when they had been saddled with the liability to pay the compensation in such a huge amount. No prejudice will be caused to the respondents in case the delay is condoned and the

applicants are given an adequate opportunity to prefer the appeal on merits. In such circumstances, therefore, i find that the applicants have made out a sufficient cause to condone the delay which is hereby condoned.

6. The application stands disposed off accordingly.

7. The Registry is therefore directed to register the appeal.

NUTAN D. SARDESSAI, J.

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