

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 300 OF 2008
AND
CIVIL APPLICATION NO. 301 OF 2008
IN
FIRST APPEAL (ST) NO. 1458 OF 2008

The United India Insurance Co. Ltd. .. Applicant
vs.
Gopal K. Naik and ors. .. Respondents

None for both sides.

CORAM : M. S. SONAK, J.
DATE : 30 JANUARY 2017.

P.C. :-

1] This civil application seeks condonation of delay of 1172 days in instituting the appeal against award dated 29 June 2004 made by the Motor Accident Claims Tribunal (MACT), Thane.

2] Already, by order dated 20 June 2013, this civil application has been dismissed as against respondent Nos.3 and 4.

3] If the civil application is perused, then in prayer clause there is "*a blank*", when it comes to stating quantum of delay. However, at paragraph '11' it is admitted that the delay is of 1172 day. The application for condonation of delay, is virtually in the nature of a memo of appeal, because, the applicant has pleaded the grounds of appeal therein. There are some reasons set out in paragraphs 10 and 11.

4] The reasons set out are by no means sufficient to condone the delay of 1172 days. Admittedly, the impugned award was made on

29 June 2004 and even the certified copy was available in the applicant's Divisional Office in the month of September 2004. Thereafter, it is simply stated that the files and documents were placed before the concerned officer and thereafter before the Regional Office. No details have been placed with regard to movement of files, even though, it is not as if that merely because the files were in movement, automatically some cause is shown for condonation of delay. In January 2005, it is stated that opinions were sought from the panel Lawyers or the senior Lawyers as to the advisability of filing a review petition. Again, the averments were blissfully vague and casual. In these circumstances, inordinate delay of 1172 days cannot be condoned. The civil application is accordingly, dismissed. As a consequence, the appeal itself is dismissed. The civil application for stay is also dismissed. The ad-interim order, if any, stands vacated.

5] In case amount of Rs.25000/- is deposited in this court, the same should be transmitted to the MACT, Thane, within a period of four weeks from today.

(M. S. SONAK, J.)