

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2229 OF 2014
IN
FIRST APPEAL (STAMP) NO. 5248 OF 2014
WITH
CIVIL APPLICATION NO. 2231 OF 2014
IN
FIRST APPEAL (STAMP) NO. 5248 OF 2014

ICICI Lombard General Insurance
Company Limited ..Applicant/Appellant
vs.
Smt. Supriya D. Chindarkar & Ors. ..Respondents

Mr. R. Mehta i/b. KMC Legal Venture for Applicant / Appellant.

CORAM : M. S. SONAK, J.
DATE: 27 JANUARY 2017

P.C :

1] Civil application no. 2229 of 2014 seeks condonation of delay of about 444 days in instituting appeal against judgment and award dated 18 August 2012 made by the MACT, Thane.

2] The reasons set out in paragraph 3 of the civil application are as lengthy as the delay involved in institution of the appeal. However, the length of the reason is by no means proportionate to the quality of the reasoning. There was unreasonable delay in applying for certified copy. The certified copy was applied for only after the expiry of period of limitation. That apart, there is unreasonable delay in taking decisions on the issue of institution of

the appeal. This is notwithstanding the statement in the application that the appellant was '*shocked and surprised*' as to how the judgment and award came to be passed in this matter. Thereafter, it is stated that time was wasted in seeking explanation from the lawyers / solicitors. It is also stated that there was some difficulty in obtaining case-papers from the logistic department of the appellant itself. It is also stated that since this was high value matter, it was felt it would be better that if the same is affirmed by the State Head i.e. one Tushar Bendale. However, it is stated that the said Tushar Bendale was on probation, no power of attorney / letter of authority could be issued in his favour. In this paragraph, it is stated that the delay is of 388 days. However, in the prayer clause, it is conceded that delay is of 444 days.

3] All the aforesaid reasons, hardly constitute any sufficient cause for condoning delay. Ultimately, the application for condonation of delay has not been affirmed by the State Head but rather, the same has been affirmed only by the Legal Manager. Accordingly, there is no ring of truth in the reasons stated in the civil application. This is a private insurance company. On the basis of some internal correspondence between their own officers or by citing reasons like it was difficult to get case-papers from the logistic department, condonation of delay cannot be applied for as a matter

of routine.

4] Since no sufficient cause is shown, the civil application no. 2229 of 2014 seeking condonation of delay itself has been dismissed. Consequently, appeal stands dismissed. In view of dismissal of appeal, civil application no. 2231 of 2014 for interim relief does not survive and is disposed of accordingly.

5] The amount of Rs.25,000/- deposited in this Court be transmitted to the concerned MACT within a period of four weeks from today, so that the respondents can withdraw the said amount.

6] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka