

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4314 OF 2008
AND
CIVIL APPLICATION NO. 4315 OF 2008
IN
FIRST APPEAL (ST) NO. 19360 OF 2008

United India Insurance Co. Ltd. .. Appellant/Applicant
vs.

Ku. Vijeta Eknath Gosavi and ors. .. Respondents

Ms Minal Chandnani i/b Jaiwant Chandnani for the Appellant-Applicant.

Mr. A.R. Saxena for Respondent No.4.

CORAM : M. S. SONAK, J.
DATE : 16 JANUARY 2017.

P.C. :-

1] Civil Application No. 4314 of 2008 seeks condonation of delay of 348 days in instituting the appeal. The application for condonation of delay, application for stay and consequently, the appeal stand dismissed as against respondent Nos.1 to 3, the original claimants by virtue of Registrar's conditional order dated 20 June 2013. In fact, the record indicates that the applications are dismissed for non-compliance of the conditional order dated 4 October 2012. this court, in its order dated 17 December 2012 had recorded that no steps have been taken to even set aside such dismissal.

2] Today, after almost 4 to 5 years, when the matter has come up, learned counsel for the applicant seeks some time. No further indulgence can be granted in this matter. The appeal relates to the year 2008 and the appellant has obtained ad-interim relief

restraining the execution of the award. This means that from the year 2008, the applicant/appellant have prevented the claimants from receiving the awarded amount. To submit that the amount is deposited in this court, is really no solace to the claimants. The least that was expected from the appellant was to take steps or to serve the claimants. This has not been done. No useful purpose will be served in proceeding as against respondent No.4, who is transporter/owner of the vehicle. Accordingly, the application for condonation of delay and application for stay as well as the main appeal are dismissed for non-prosecution. The applicant/appellant to pay costs quantified at Rs.15,000/-.

(M. S. SONAK, J.)

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