

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 6045 OF 2005
IN
FIRST APPEAL (ST) NO. 24591 OF 2005

United India Insurance Company Limited
Hyderabad

.. Petitioner

vs.

Smt. Mahananda S. Upare and ors.

.. Respondents

None for the Petitioner.

Mr. Nitin Mulye for Respondent Nos.1 and 2.

CORAM : M. S. SONAK, J.

DATE : 16 JANUARY 2017.

P.C. :-

1] None for the petitioner. Mr. Nitin Mulye, learned counsel appears for respondent Nos.1 and 2- claimants.

2] The remark indicates that respondent No.3 has not been served. There is delay of about three months in instituting the appeal.

3] The only reason stated in the application dated 20 September 2005 is as follows:

“The petitioner states that there was communication between the offices of the company at Hyderabad, Pune and Mumbai. As such, there is delay of about three months in filing due to administrative cause”.

4] The aforesaid reason hardly constitutes any sufficient cause for condonation of delay. The length of delay is really not material, but the quality of explanation is material. In this case, the delay

cannot be condoned on basis of such a bald statement.

5] That apart, it must be noted that the award in this case was made on 23 March 2005. The husband of respondent No.1 and the father of respondent No.2 has expired in the accident arising out of and in the course of his employment. In such a matter, the least that was expected of the Insurance Company was to take steps to serve respondent No.3-employer within some reasonable period. Almost 11 years have passed and the the matter is pending for service upon respondent No.3. The claimants have been able to recover only some portion of the amount awarded in their favour. If the memo of appeal is perused, there is no reference to any substantial question as is contemplated by section 30 of the Workmen's Compensation Act, 1923.

6] Taking into consideration the circumstance that there is no cause shown for condonation of delay, the application is dismissed. Consequently, the appeal is also dismissed.

(M. S. SONAK, J.)