

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**940 CIVIL APPLICATION NO. 15251 OF 2016
IN FAST/19431/2016**

**MOHAN NATTHU BHALERAO
VERSUS
PANKAJ SUBHASH KASAT AND ANR**

...
Advocate for Applicant : Shri Ajeet B. Kale
Advocate for Respondent No.2 : Shri S.R. Bodade
...

CORAM : P.R. BORA, J.

DATE: 19th September, 2018

PER COURT:-

1 Heard Shri A.B. Kale, learned Counsel appearing for the applicant and Shri S.R. Bodade, learned Counsel appearing for respondent No.2 Insurance Company.

2 Delay of 2248 days has occurred in filing the present appeal. The reasons for occurrence of delay are explained by the applicant/appellant in paragraph No.3 of the application, which reads thus:

“3. The applicant in fact has also no any knowledge of legal proceedings and period of limitation for filing appeal. Also the enhanced of compensation which is granted by the lower Court is not yet received in time by the applicant. The applicants had not purposely delayed the matter but only because of non-availability of funds could not file First Appeal within time. The applicant have by obtaining some hand loan and by some other means have managed to bear

the expenses required to file the appeal and thereby filing this application for condonation of delay in filing the First Appeal the same may kindly be condoned in the interest of justice.”

3 The learned Counsel appearing for respondent No.2 Insurance Company has opposed for condoning the delay stating that huge delay of more than six years has not been properly explained and therefore, prayed for not condoning the delay.

4 On perusal of the explanation given in paragraph No.3 of his application, it is apparently revealed that the reasons, which are assigned by the applicant, cannot be held as cogent and sufficient to condone the huge delay. Law is well settled that the period of delay would not matter if it is sufficiently explained, however, even if the delay is of smaller period and the reasons assigned are insufficient or unjustifiable, such delay cannot be condoned. The reasons assigned for condonation of delay are not sufficiently explained. I am, therefore, not inclined to allow the application. Hence, the following order:-

ORDER

I) Civil Application No.15251 of 2015 is rejected.

II) Consequently, First Appeal (Stamp) No.19431 of 2016 also stands dismissed.

(P.R.BORA)
JUDGE

SPT