

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 226 OF 2018

IN

STAMP NUMBER MAIN NO. 814 OF 2018

THE UNITED INDIA INSURANCE CO.
LTD., THR ITS DIVISIONAL MANAGER.,

... Applicant

Versus

SANDEEP PANDURANG POPKAR AND 2
ORS.,

... Respondents

Adv. Suraj Rohidas Naik for the Applicant.

Adv. S. P. Munj for Respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 11th April 2018

P.C.:

This is an application for condonation of delay of five years, four months and six days in filing an appeal challenging the judgment and award passed by the Motor Accident Claims Tribunal (Tribunal, for short) granting compensation of R.15,800/- along with interest to the respondent no.1. The award is passed on 22/6/2012. Admittedly, there were about four petitions arising out of the same accident. The contention is that the applicant/insurance company had filed appeals in respect of the award in the connected petitions. However, inadvertently the

appeal could not be filed challenging the impugned award passed in favour of the first respondent.

2. The learned counsel for the respondent no.1 points out that the applicant had entered appearance in the Execution Application filed by the first respondent, somewhere in the year 2015/2016 and even thereafter, no steps were taken to file the appeal nor the award is satisfied. It is submitted that only when a warrant of attachment is issued by the Executing Court that the applicants have filed the present application on 7/3/2018.

3. On hearing the learned counsel for the parties, I do not find that any case for condonation of delay is made out. It cannot be accepted that although the applicant could file appeals in the connected matters, out of inadvertence no appeal could be filed in the present case. As noticed earlier, at the time when the applicants entered appearance in the Execution case at least they could well be made aware that the award is not challenged. However, even thereafter the appeal is not filed and it is only filed in March 2018. The applicant has not made out sufficient cause for not filing the appeal within time. No case for condonation of delay is made out. The civil application is accordingly dismissed. The registration of the first appeal stands refused. The amount deposited before this Court along with interest, if any, shall be remitted to the Executing Court, which

shall pass appropriate orders regarding the same in view of the pendency of the Execution case.

C. V. BHADANG, J.

ap/-