

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 262 OF 2018

IN

STAMP NUMBER MAIN NO. 1572 OF 2015

RELIANCE GENERAL INSURANCE COMPANY
LTD., THROUGH ITS LEGAL MANAGER,
KARUNA GONDOLE.,

... Applicant

Versus

HASMATABI SHIRAGOD AND 6 ORS.,

... Respondents

Ms. Gauri Borkar, Advocate for the Applicant.

Shri Preetam Talaulikar, Advocate for the Respondent Nos.1 to 4.

Ms. Rosette Pereira, Advocate for the Respondent Nos. 6 and 7.

Coram:- C. V. BHADANG, J.

Date:- 3rd September 2018

P.C.

This is an application for condonation of delay in filing an appeal, challenging the award dated 10.06.2014, passed by the Motor Accident Claims Tribunal, Margao in Claim Petition No. 200/2011.

2. The record discloses that the appeal was filed on 08.05.2015. However, the present application for condonation of delay came to be filed subsequently on 22.03.2018. There are two grounds made out seeking condonation of delay. Firstly, it is contended that the legal officer, who was handling the file had resigned without uploading the status of the matter in the system and the

file was also misplaced. The new officer, who joined was not aware of the status of the matter as it was not uploaded in the system. Secondly, it is contended that after the approval was received from the Mumbai office on 22.09.2014, the matter was entrusted to Advocate Suraj Naik, who failed to file the appeal with due expedition. Undisputedly, there was an earlier application being Miscellaneous Civil Application No. 917/2017 filed by Advocate Suraj Naik alongwith his own affidavit, which was withdrawn by the learned Counsel, who succeeded him with liberty to file fresh application.

3. The learned Counsel for the respondent nos. 1 to 4 has opposed the application on the ground that the applicant has not made out any sufficient cause for condoning the delay.

4. On hearing the learned Counsel for the parties and on perusal of record, I find that the applicant has made out sufficient cause for condoning the delay. The application is allowed. The delay in filing the appeal is hereby condoned. Let the first appeal be registered.

C. V. BHADANG, J.