

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.217 OF 2016
IN
FIRST APPEAL (STAMP) NO.1396 OF 2016

ALONG WITH

CIVIL APPLICATION NO.219 OF 2016
IN
FIRST APPEAL (STAMP) NO.1391 OF 2016

Shivaji Namdev Kale Applicant
V/s.
United India Insurance Co. Ltd. & Anr. Respondents

ALONG WITH

FIRST APPEAL (STAMP) NO.1396 OF 2016

WITH

CIVIL APPLICATION NO.218 OF 2016

ALONG WITH

FIRST APPEAL (STAMP) NO.1391 OF 2016

WITH

CIVIL APPLICATION NO.220 OF 2016

Shivaji Namdev Kale Appellant-Applicant
V/s.
United India Insurance Co. Ltd. & Anr. Respondents

Mr. Abhijit B. Kadam for the Applicant-Appellant.

Mr. Amol Gatne for Respondent No.1-Insurance Company.

Mr. Hasmit Trivedi, I/by Mr. Vikrant D. Shetty, for Respondent No.2.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Kadam, learned counsel for the Applicant-Appellant, Mr. Gatne, learned counsel for Respondent No.1-Insurance Company, and Mr. Trivedi, learned counsel for Respondent No.2.

2. These are two Civil Applications seeking condonation of delay of 7 years and 282 days in preferring the First Appeals; that too, challenging the 'Judgment and Award' passed by the Trial Court in the year 2004 for the amounts of only Rs.1,55,000/- and Rs.38,000/- in two Motor Accident Claim Petitions, bearing Nos.162 of 2004 and 33 of 2004, respectively.

3. Perusal of the 'Judgment' passed by the Trial Court goes to show that, the Applicant was very much represented in the said proceedings by his Advocate. Now the ground given is that, his Advocate did not inform him and has stopped the practice because of his old age. Even accepting the said fact to be true, there was some burden or care on the part of the Applicant also to enquire about the pending Petitions. If Applicant has not done so, then he has to suffer for the consequences thereof. Applicant cannot get a relief by shifting the entire burden on his Advocate.

4. Hence, as no sufficient cause is made out, both the Civil

Applications, seeking condonation of such an inordinate delay, stand dismissed.

5. In view thereof, both the First Appeals, along with Civil Applications thereto, do not survive and the same stand disposed off as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]