

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

I.A. No.1 of 2018

In/And

M.A.C.M.A. No.922 of 2018

Common Order:

I.A. No.1 of 2018 is filed to condone the delay of 1117 days in filing the Appeal.

The only ground on which delay of 1117 days is sought to be condoned is 'administrative ground', which reads in paragraph-3, thus:

“It is humbly submitted that the Tribunal rendered the Judgment and Decree in M.V.O.P. No.1536 of 2012 on 31.10.2014 and an application for certified copies was made on 3.11.2014 and the certified copy was made ready and delivered to our counsel on 12.01.2015. It is humbly submitted that the Standing Counsel has forwarded the said Judgment and Decree in M.V.O.P. No.1536 of 2012 to the petitioner Corporation and the same was received by Legal Department of APSRTC at Hyderabad and in turn the file was forwarded to the Standing Counsel in the High Court for preparing grounds of Appeal and the present Standing Counsel has drafted the grounds of appeal and returned the file for fair typing. The fair copies of the grounds are prepared and were sent to the Standing Counsel to present the appeal in this process there occurred a delay in presenting the appeal and the said delay in presenting the appeal is neither wilful nor wanton, but due to the above reasons. It is humbly submitted that if the delay in presenting the appeal is not condoned, the petitioner Corporation will be put to irreparable loss and hardship.”

Certainly, these grounds cannot be construed as minimum to satisfy sufficient grounds even to order notice to the respondents where delay is 1117 days.

In such an event, I.A. No.1 of 2018 itself has to be dismissed at the admission stage even without issuing notice.

Further, there are four fractures sustained by the petitioner which have been mentioned in paragraph-13 and the award of amount of Rs.1,22,000/- with interest at 7.5% p.a., which appears to be reasonable.

Thus, on merits also, there is no case to view that there has been miscarriage of justice.

Therefore, the present I.A. No.1 of 2018 is dismissed. Consequently, the present M.A.C.M.A. is rejected.

As a sequel thereto, miscellaneous petitions if any pending in the M.A.C.M.A. shall stand closed.

Dt. 13.04.2018
gbs

A.SHANKAR NARAYANA