

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3062 OF 2017
IN
FIRST APPEAL (ST) NO. 6557 OF 2017**

Shri. Pandurang Jayram Lambore Applicant.

Vs.

Shri. Arun Shankar Kumbhar and anr. Respondents.

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Mr. Sudhakar G. Thorat for the applicant.
None for respondents.

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**CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019**

P.C.

Heard Learned Counsel Mr.Sudhakar Thorat for the
applicant.

2. By this Civil Application, applicant is seeking condonation of 385 days delay in filing the First Appeal, challenging the Judgment and Award dated 13/10/2015 passed by Motor Accident Claims Tribunal, Kolhapur in Motor Accident Claim Petition No. 594 of 2010 for additional compensation.

3. The Learned Counsel for applicant submits that since the judgment and Award passed by the Tribunal on 13/10/2015, they immediately applied for certified copy on 19/10/2015 and thereafter, they filed the First Appeal before this Court. He submits that because of financial difficulties and lack of communication between claimant and Advocate, who appeared in Trial Court, had remained to file First Appeal immediately before this Court. He submits that applicant have good chances of success in the present matter. He submits that this Hon'ble Court may be pleased to condone the delay in filing the First Appeal.

4. I heard the Learned Counsel for the applicant at length.

5. It is to be noted that in the present matter, the impugned Judgment and Award was passed by the Tribunal on 13/10/2015. Thereafter, immediately, applicant applied for certified copies on 19/10/2015. Those were ready for delivery on 17/11/2015. The First Appeal filed by the applicant before this Court in the month of February, 2017. The delay is of more than one year and 20 days in filing the First Appeal. The contention raised by the Advocate for the applicant in Civil Application about the financial difficulties and lack of

communication between the Advocate who appeared in Trial Court .
Same cannot be considered as a sufficient cause for condonation of
delay. Hence, the following order;

ORDER

- (a) Civil Application No.3062 of 2017 stands rejected.
- (b) No order as to costs.

(K.K.TATED, J.)