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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2311 OF 2017 IN
FIRST APPEAL ST.NO.19180 OF 2017

Reliance General Insurance
Co.Ltd. ...Applicant
vs.
Shivaji Parshuram Ghadge & Anr. ...Respondents

Mr.Rahul Mehta I/b KMC Legal Venture for the
Appellant Applicant
Mr.Vaibhav R.Gaikwad for the Respondent. No.1

CORAM :K.K.TATED,J.
DATE : AUGUST 27, 2019

P.C.:

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, Applicant Insurance Company is seeking condonation of 625 days delay in filing First Appeal challenging the Judgment and Award dated 15.5.2015 passed by the MACT, Satara in MACP No. 435 of 2012.

3 The learned counsel for the applicant-Insurance Company submits for filing this Appeal they have to take approval from several departments. The learned counsel for the applicant submits that they have good chance of success. He submits that this Hon'ble Court be pleased to condone the delay in filing First Appeal otherwise irreparable loss will be caused.

4 On the other hand, the learned counsel for the respondent vehemently opposed the civil application. He submits that the applicant has not shown the sufficient cause for condonation of delay. Hence, there is no substance in the First Appeal.

5 I have heard both the parties. It is to be noted that the Judgment and Award was passed by MACT, Satara on 15.5.2015. Immediately thereafter the applicant applied for certified copy on 25.5.2015 and the same was ready on 14.7.2015 and was collected by the applicant on 15.7.2015. Though the certified copy was collected by the applicant on 15.7.2015, they filed the present Appeal in the month of June 2017.

6 In the present proceedings, the accident occurred on 22nd July 2012. The respondent claimant sustained injuries and his left leg was fractured. Hence, he was operated on 28.7.2012. At that time the claimant was doing service and he was getting salary of Rs.17,000/- p.m. Due to accident the claimant could not attend his duties for a period of six months. Hence, he claimed compensation of Rs.2,62,000/- but he has restricted his claim to Rs.1 lakh due to inability to pay court fees. The Tribunal after considering the record held that the claimant is entitled to sum of Rs.97,000/- by way of compensation with accrued interest.

7 It is to be noted that the reasons given by the applicant for condonation of delay of one year and 625 days in filing this Appeal cannot be treated as sufficient cause. The main reason for delay is matter was circulated from one office to other for approval.

8 Hence, I pass the following order :

- a) Civil application is rejected.
- b) No order as to costs.

(K.K.TATED,J.)