

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1198 OF 2019
WITH
CIVIL APPLICATION NO.1199 OF 2019
WITH
FIRST APPEAL (ST.) NO.28919 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Jagdish Nagar i/b M/s.Jagdish Nagar and Associates for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 4, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original opponent no.1 is seeking condonation of 4 years 130 days delay in filing First Appeal challenging the judgment and award dated 27.2.2014 passed by MACT, Solapur in MACP No.142 of 2011 holding that Applicant along with Insurance Company is liable to pay sum of Rs.3,90,000/- by way of compensation with

interest @ 7.5% p.a. to the Respondent original Claimant.

3 The learned counsel for the Applicant submits that advocate who appeared on behalf of applicant in the Trial Court, informed that order is passed against Insurance Company. Therefore, it is not necessary for him to file any First Appeal. He further submits that when the Applicant received summons from this court in Civil Application bearing no.1032 of 2015 with First Appeal (ST) No.17044 of 2014, at that time, Applicant learnt that Respondent no.4 National Insurance Company Ltd has filed Appeal before this court. Hence, Applicant decided to file present First Appeal. He submits that because of advice given by the advocate who appeared on behalf of him before the Trial Court, it remained on his part to file First Appeal immediately before this court. He submits that Applicant has good chance of success in the present matter. Hence, in the interest of Justice, this Hon'ble Court be pleased to condone the delay in filing First Appeal.

4 It is to be noted that in the present proceedings, though the impugned judgment and award dated 27.02.2014 passed by MACT, Solapur, Applicant filed Application for

certified copy on 10.11.2016 and same was ready on 16.11.2016. In spite of that Applicant filed the present First Appeal in the month of October, 2018. There is no explanation for the period from 16.11.2016 till filing of the present First Appeal i.e. in the month of June, 2018.

5 Considering these facts, I do not find any reason to entertain the present Civil Application for condonation of 4 years delay in filing First Appeal. Hence, following order:

- A. Civil Application stands rejected.
- B. In view thereof First Appeal (ST) No.28919 of 2018 and Civil Application No.1199 of 2019 do not survive. Same stands dismissed as infructuous.
- C. Refund of court fee as per rules.

(K.K.TATED, J.)