

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1976 OF 2019
IN
FIRST APPEAL (ST) NO. 7109 OF 2019

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. Rahul Mehta I/b KMC Legal Venture for the Applicant.

CORAM: K.K.TATED, J.
DATED : 26/08/2019

P.C.

1 Not on board. At the request of the learned Counsel for the Applicant, matter is taken on board for urgent order.

2 By this Civil Application, the Applicant Insurance Company is seeking condonation of 2 years and 307 days delay in filing First Appeal challenging order below Exh. 2 in Application No. 506 of 2016 passed by MACT, Mumbai on application filed by the Respondents-Claimants under Section 140 of M.V. Act, 1988 for grant of interim compensation in respect of death of his relative.

3 The learned Counsel for the Applicant submits that before filing the First Appeal on

behalf of Insurance Company, they have to take approval from several Authority. Hence, there is delay in filing First Appeal before this Court. He submits that they have good chance of success in the present matter. He submits that if delay is not condoned, irreparable loss will be caused to them. He submits that matter to be heard on its own merits.

4 It is to be noted that in the present proceeding, the MACT passed order on 03.02.2016 below Exh. 2 on the application under Section 140 of the M.V. Act, 1988. By that order, the Tribunal held that the Respondents/Claimants are entitled to a sum of Rs.50,000/- by way of no fault liability. The Applicant has prayed for certified copy of the said order on 03.10.2018 and the same was made available on 04.10.2018. Applicant has filed the present First Appeal before this Court on 26.02.2019. In the entire Civil Application, there is no explanation why the Applicant took more than 2 and $\frac{1}{2}$ years for applying for certified copy of impugned order. Apart from that thought the certified copy was made available on 04.10.2018, the Applicant filed the present First Appeal in the month of February 2019. There is no explanation in

the Civil Application for these four months delay also.

5 Considering this fact, I do not find any reason to entertain this Civil Application.

6 Hence, following order.

- a) Civil Application stands rejected.
- b) No order as to costs.

(K.K.TATED, J.)