

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

**CIVIL APPLICATION NO.3166 OF 2015
WITH
FIRST APPEAL (ST.) NO.9766 OF 2015**

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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Ms.Krutika Pokale I/b Mr.Avinash M. Gokhale
for the Applicant

Ms.Vaidehi Deshmukh I/b Mr.Yashodeep P.
Deshmukh for the respondent

**CORAM : K. K. TATED, J
DATE : AUGUST 22, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimant is seeking condonation of 1 year 19 days delay in filing First Appeal challenging the judgment and award dated 2.9.2013 passed by MACT, Thane in MACP NO.587 of 2009.

3 The learned counsel for the Applicant submits that as soon as the impugned judgment and award passed by the Tribunal, they immediately applied for certified copy on 6.9.2013 and the same was ready for delivery on 3.12.2013 and same was collected by the Applicant on 4.12.2013. Thereafter, Applicant filed present First Appeal before this court on 12.2.2015.

4 The learned counsel for the Applicant submits that due to lack of technical knowledge of insurance, daily survival etc., it remained on the part of Applicant to file First Appeal within time. He submits that by this First Appeal, Applicant is seeking additional compensation for injury sustained by him. In support of this contention, learned counsel for the Applicant relies on paragraph 4 of the Civil Application which reads thus:

“4. Due to lack of technical knowledge of insurance, daily survival, etc. have delayed the preferring of Appeal. Further an increasing inflation is an added peril to continue with litigation. Even after obtaining Certified Copy the Appellant was in search of confident advisor at High Court level. Applicant could not manage

the legal fees and necessary expenses and as such there has been a delay in preferring First Appeal. There is a delay of 1 year and 19 days. It may kindly be condoned in the interest of justice.”

5 The learned counsel for the Applicant submits that in the interest of Justice, this Hon’ble Court be pleased to condone the delay in filing First Appeal. He submits that if delay is not condoned, irreparable loss will be caused to them.

6 On the other hand, the learned counsel for the Respondent vehemently opposed the present Civil Application. She submits that Applicant failed to disclose sufficient cause for condonation of delay. Hence, there is no substance in the present Civil Application and same be dismissed with costs.

7 Heard.

8 It is to be noted that in the present proceeding though certified copies were made available to the Applicant on 4.12.2013 present First Appeal filed before this court on 12.2.2015 i.e. after more than 1 year. There is no explanation in the present Civil Application why Applicant took more than 1 year in filing

First Appeal from the receipt of certified copy of impugned judgment and award. Even bare reading of paragraph 4 of the Civil Application shows that Applicant has filed present Civil Application in casual manner. As the Applicant failed to disclose sufficient cause for condonation of delay, I do not find any substance in the present Civil Application . Hence, following order is passed:

- a. Civil Application stands rejected.
- b. In view thereof, nothing survives in the First Appeal. Hence, registration of First Appeal stands rejected.
- c. Refund of court fee according to law.

(K.K.TATED, J.)