

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.3026/2019
with
First Appeal (ST) No.12287/2019
with
Civil Application No.3027/2019

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. Amol Gatne for the Applicant

CORAM: K.K.TATED, J.
DATED : OCTOBER 18, 2019

P.C.

1 Heard. This Application is for condonation of 722 days delay in preferring the appeal challenging the judgment and award dated 29.12.2016 passed by the MACT Thane in MACP No.704/2012.

2 The learned counsel for the Applicant submits that immediately after the judgment and award was passed by the Tribunal, they applied for certified copies on 02.01.2017. Same was collected on 25.01.2017. He submits that before filing the First Appeal they have to take approval from several Departments. Moreover, when the papers were sent for filing the appeal, the advocate had raised the bill towards

the court fees and professional fees on 21.12.2017 but same could not be credited for certain technical requirement in the system of the Applicant. Therefore, it remained on their part to file the First Appeal in this court within time.

3 The learned counsel for the Applicant submits that in July 2018 the Applicant issued a cheque bearing No.986827 drawn on Vijaya Bank, Mumbai for payment of statutory amount required for filing the First Appeal. He submits that same was not accepted by the Registry of this court because the Registry had insisted for Demand Draft. Hence, there is delay in filing the First Appeal. In support of his contention, he relies on para 4, 5 and 7 of the Civil Application.

4 The learned counsel for the Applicant submits that they have good chance of success in the matter. He submits that though the Tribunal upheld their defects in the impugned judgment and award, directed them to pay the entire compensation to the claimants and recover the same from the owner of

the offending vehicle. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that if delay is not condoned, irreparable loss will be caused to them.

5 Bare reading of the Civil Application shows that the Civil Application is filed in casual manner. There is no explanation as to why the Applicant took near about two years in filing the First Appeal. The certified copies show that same were collected by the Applicant on 25.01.2017. Thereafter when the matter was referred to the higher authority, for their approval, is not stated in the Civil Application. Apart from that the reason given by the Applicant in para 4 and 5 cannot be considered as sufficient cause for condonation of inordinate delay of 722 days in filing the First Appeal.

4 In view of these facts, following order is passed:

- a. The Civil Application for condonation of delay stands rejected.
- b. In view thereof, registration of the First Appeal stands rejected.

c. Consequently the Civil Application for stay stands dismissed as infructuous.

d. Amount of Rs.25000/- deposited by the Appellant at the time of filing the First Appeal be transferred to the MACT, Thane in the Account of MACP No.704/2012.

e. No order as to costs.

(K.K.TATED, J.)