

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2591/2019
in
First Appeal (ST) No.14317/2019

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. Anand nandu with A. P. Kulkarni for
the Applicant

CORAM : K.K.TATED, J.
DATED : JULY 31, 2019

P.C.

1 Heard. This Application is for condonation of 2 years and 226 days delay in preferring the appeal challenging the judgment and award dated 18.06.2016 passed by the MACT, Baramati below Exhibit-6 in MACP No.183/2013 directing the Applicant to pay sum of Rs.25,000/- towards No Fault Liability u/s.140 of the Motor Vehicles Act, 1988.

2 The learned counsel for the Applicant submits that because of administrative steps to be taken for filing the First Appeal, there is delay in filing the First Appeal. He submits that immediately after passing the impugned

order they made an application for certified copy of the same on 05.12.2017 and thereafter filed the First Appeal. In support of his contention, the learned counsel for the Applicant relies on para 3 of the Civil Application which reads thus:

“3. The Applicants states that judgment was pronounced on 18.06.2016. Advocate for Appellant applied for certified copy of judgment and decree on 05.12.2017. However, the certified copy of judgment and decree was ready only on 12.12.2017. Applicant being a corporate entity requires approval for preferring appeal. After receiving the Judgment an opinion was sought from the Ld. Advocate who appeared in the tribunal. After the opinion was received, file was sent to corporate office for further approval and after clearance from the corporate office; papers were sent to advocates at Mumbai on or about 25/03/2019. Inadvertently the certified copy of Judgment and award was remained to be sent to Advocate at Mumbai which was sent later on. The Applicant further states that the officers of the Applicant in the meantime were also considering the possibility of settlement. However the said attempt could not become successful.”

4 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 the First

Appeal. He submits that they have good chance of success in the matter.

5 It is to be noted that there is delay of more than 2 years and 226 days in filing the First Appeal. Bare reading of para 3 of the Civil Application, shows that the Civil Application is filed in a very casual manner. There is no explanation as to why the Applicant took one and half years to apply for certified copy.

6 Considering the submissions made by the learned counsel for the Applicant and the impugned order I am of the opinion that the Applicant has failed to make out any case for allowing the Civil Application. Hence, following order is passed:

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

(K.K.TATED, J.)