

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

CIVIL APPLICATION NO.1107 OF 2015
IN
FIRST APPEAL STAMP NO.18690 OF 2014

Mr.Tejas Deepak Bhatia ... Applicant.
V/s.
Smt.Krishna Devi & Anr. ... Respondents.

Mr.T.J.Mendon for the Applicant.
None for the Respondents.

CORAM : V.G. BISHT, J.

DATE : 6TH DECEMBER, 2019.

P.C.:

1. Heard Mr.Mendon, learned counsel for the applicant. None for the respondents, though duly served.
2. Read application. The applicant is seeking condonation of delay of 52 days in filing the present appeal against the judgment and order passed in Application C.P.No.891 of 2004 by learned Member, Motor Accident Claims Tribunal, Mumbai. According to the applicant, the delay is unintentional and despite pursuing matter diligently could not file appeal within time due to unavoidable circumstances. He, therefore, prays for condonation of delay of 52 days in preferring the appeal.
3. I have carefully gone through the contents of application. It is specifically mentioned by the applicant that he was diligently pursuing the case and due to unavoidable

circumstances there is delay and he could not prefer appeal in time. It may be that those unavoidable circumstances are not explained yet by not filing the appeal in time, the applicant could not have gained anything. Moreover, having regard to delay of 52 days, in my considered opinion, it is always desirable that the matter be heard on its own merits by affording equal opportunity to both the parties. The respondents will not suffer any loss nor any prejudice would be caused to them, if the matter is heard after condoning the delay.

4. In the circumstances the application is allowed and delay of 52 days stand condoned. The appeal be registered in accordance with law and be put up for admission after vacation.

(V.G. BISHT, J.)