

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

**CIVIL APPLICATION NO. 3191 OF 2019
IN
FIRST APPEAL (ST.) NO. 16992 OF 2019.**

Reliance General Insurance Co. Ltd.

..... Applicant.

Vs.

Pinki Harish Tirwa @ Tiruwa & Ors.

..... Respondents.

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

**CORAM : K.K.TATED, J.
DATED : SEPTEMBER 24, 2019**

PC.

- 1 Heard Learned Counsel for the Applicant.
2. By this Civil Application, the Applicant is seeking condonation of 106 days delay in filing the First Appeal challenging the order dated 25th September, 2018 passed by the Motor Accident Claims Tribunal, Thane below Exhibit 5 in Motor Accident Claim Petition No. 194 of 2017 allowing the Respondents/Original Claimants' Application under Section 140 of the Motor Vehicles Act for compensation of Rs. 50,000/- under N.F.L. on account of death of Harish Ujjwal Tiruwa.
3. The Learned Counsel for the Applicant submits that, as soon as the order passed by the Tribunal below Exhibit 5, immediately they applied for certified

copy on 1st December, 2018. Same was received on 4th February, 2019 and thereafter, they filed the present First Appeal before this Court on 10th June, 2019. He further submits that before filing First Appeal on behalf of the Insurance Company they have to take approval from several departments. Hence, there is a delay in filing the First Appeal. He submits that in the interest of justice this Hon'ble Court be pleased to condone the delay and the matter be heard on its own merits.

4. It is to be noted that, in the present proceeding, impugned order was passed by the Tribunal on 25th September, 2018, Thereafter, the Applicant filed application for certified copy on 1st December, 2018. The same was filed after more than 60 days. There is no explanation in the Civil Application why the Applicant took more than 60 days delay in filing the application for certified copies. Apart from that, the certified copies were collected by the Applicant on 4th February, 2019 and filed present appeal before this Court in June 2019. Even in Civil Application, there is no explanation for this delay on the part of the Applicant to file the First Appeal before this Court. The reason given by the Applicant that before filing the First Appeal that, they have to take approval from several departments can not be considered as a sufficient ground for condonation of delay.

5. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Civil Application, the reasons disclosed by the Applicant during the course of arguments and the law declared by the apex court in the matter of **Office of the Chief Post Master General & Ors. Vs. Living Media India Ltd. & Anr. 2012 ALL SCR 892** and also in the matter of **Basawaraj & Anr. Vs. The Special Land Acquisition Officer 2013 (10) SCALE 298**, I do not find any substance in the Civil Application.

a. Civil Application for delay stands rejected.

(K.K.TATED, J.)