

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

**CIVIL APPLICATION NO.633 OF 2018
IN
FIRST APPEAL (ST.) NO.12954 OF 2010**

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.C.M.Lokesh i/b M/s.G.S.Hegde and Associates for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking condonation of 6 years 6 months delay in filing present Civil Application to set aside the conditional order dated 6.1.2011 passed by learned Additional Registrar in First Appeal (ST) No.12954 of 2010.

3 The learned counsel for the Applicant submits that it remained on the part of Applicant to remove all office objections within

stipulated time as stated hereinabove. In support of this contention, he relies on paragraph 3 of the Civil Application which reads thus:

"3. The Applicants submit that since the courts had opened only on 04/01/2011, inadvertently the order was not noted down by the Learned Advocate and the objection were not removed. That the Applicants and their Advocate lost sight of the above matter and it was only in June 2015 when they learnt that the Respondents are seeking to execute the order, that they made enquiries with the Learned Advocate. That on verifying from the website, it was realized that the Appeal stood dismissed as aforesaid."

4 The learned counsel for the Applicant submits that they have good chance of success in the present proceeding. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing Civil Application and restore the First Appeal (ST) No.12954 of 2010 on file for hearing on its own merits. He submits that if delay is not condoned, irreparable loss will be caused to the Applicant.

5 It is to be noted that in the present proceedings, in an accident which occurred on 29.5.1996, Respondent original Claimant lost Mustakhin Khan. Hence, Respondent original Claimant filed Claim Application under section 166 of the Motor Vehicles Act claiming compensation.

6 Considering the evidence on record, MACT, Mumbai by its judgment and award dated 27.10.2009 held that Respondent Claimant are entitled sum of Rs.4,13,000 by way of compensation with interest @ 7.5% p.a. Being aggrieved by the said judgment and award, Applicant filed present First Appeal before this First Appeal. There was delay in filing First Appeal. Hence, Applicant preferred Civil Application for condonation of delay.

7 Registry raised office objections in this matter. As Applicant failed to remove office objections, matter appeared before the Registrar on 5.10.2010, 26.11.2010 and 6.1.2011. At that time, no one appeared on behalf of Applicant. Hence, Registry passed conditional order on 6.11.2011 directing Applicant to remove all office objections within 3 weeks from the date of order, failing which the First Appeal shall stand dismissed without further reference to the court.

8 As Applicant failed to remove all office objections within stipulated time as stated hereinabove, matter stands dismissed for non-removal of office objections.

9 Even bare reading of present Civil Application shows that Applicant has not shown sufficient cause for condonation of more than 6 years 6 months in filing present Civil Application. Therefore, I do not find any reason to entertain the present Civil Application. Hence, following order is passed:

10 Civil Application stands rejected.

11 No order as to costs.

(K.K.TATED, J.)