

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1494/2016
in
First Appeal (ST) No.20217/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Adv. Sapna Krishnappa I/b. Suresh Dubey for the Applicant Mr. Amol Gatne for the Respondent

CORAM : K.K.TATED, J.
DATED : JUNE 28, 2019

P.C.

1 Heard. This Application is for condonation of 4 years and 147 days delay in preferring the appeal challenging the judgment and award dated 02.12.2010 passed by the MACT, Mumbai in Application No.27/2004.

2 The learned counsel for the Applicant submits that the Applicant No.4 was not keeping well. In support of his contention, the Applicant has placed on record the medical report. He submits that because of this there was delay in filing the First Appeal. The learned counsel for the Applicant further submits that even Respondent No.2

Insurance Company has filed the First Appeal (ST) No.25984/2011. He submits that in the First Appeal there was delay. Hence, the Insurance Company had filed Civil Application No.4412/2011 which was allowed by this court (Coram : R. G. Ketkar, J.) on 18.07.2014. He submits that, the said First Appeal is pending for admission and interim relief.

3 The learned counsel for the Applicant submits that even Respondent No.1 has filed First Appeal (ST) No.18429/2013. In that First Appeal the Respondent No.1 preferred Civil Application NO.3012/2013 which is pending for hearing. The learned counsel for the Applicant submits that the present First Appeal can be treated as cross-objection in the First Appeal filed by the Insurance Company. Therefore, in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal and the matter to be heard on merits.

4 On the other hand, the learned counsel for the Respondent No.2 has vehemently opposed the Civil

Application. He submits that the Applicant has not shown sufficient cause for condonation of delay.

5 Considering the submissions made by the learned counsel for the Applicant and as the First Appeal filed by the Insurance Company bearing First Appeal (ST) NO.25984/2011 and First Appeal No.18429/2013 is pending for admission, I am of the opinion that the Applicant can be allowed.

6 Hence, following order is passed:

- a. Delay in filing the First Appeal is condoned.
- b. Civil application stands disposed off accordingly.
- c. No order as to costs.
- d. Place the First Appeal along with connected First Appeal (ST) Nos.25984/2011 and 18429/2013 on board, on 12.07.2019.

(K.K.TATED, J.)