

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

**CIVIL APPLICATION NO.408 OF 2018  
WITH  
CROSS OBJECTION (ST) NO.19372 OF 2008  
IN  
FIRST APPEAL NO.1333 OF 2008**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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.Omkar Paranjape I/b Mr.A.M.Gokhale for  
the applicant

**CORAM : K. K. TATED, J  
DATE : MARCH 22, 2019**

**P.C.:**

. Heard.

2. By this Civil Application claimant is seeking condonation of 10 years 62 days delay in filing cross-objections in First Appeal NO.1333 of 2008.

3. In the present proceeding, Insurance Company filed First Appeal challenging the judgment and award dated 28.04.2006 passed

by MACT, Palghar in MACP No.144 of 2005 awarding sum of Rs.16.0 lacs by way of compensation with interest @ 6% p.a. from the date of application till amount is duly realized.

4. The learned counsel for the applicant submits that applicant no.1 was not keeping well during this period. He submits that applicant was taking treatment of her sugar, blood pressure and spondylosis. In support of this contention, the learned counsel for the applicant relies on medical certificate placed on record from Criti Care Multi Speciality Hospital & Research Centre, etc. On the basis of these submissions, the learned counsel for the applicant submits that in the interest of justice, this Hon'ble court be pleased to condone the delay of more than 10 years in filing cross-objections. He submits that if delay is not condoned, irreparable loss will be caused to them. He submits that applicant has good chance of success in the cross objections.

5. It is to be noted that in the present proceeding MACT passed judgment and award on 28.04.2006 in MACP No.144 of 2005. Thereafter appellant filed appeal. In that appeal, applicant original claimant filed cross-objection for additional compensation and made application for condonation of more

than 10 years delay in filing the same. It is to be noted that the reason given by the applicant about his medical treatment cannot be a ground of condonation of more than 10 years delay. Bare reading of those medical certificate shows that Doctors never advised applicant to take bed rest.

6 Considering these facts, I do not find any reason to entertain the present Civil Application by which applicant is seeking condonation of more than 10 years delay in filing cross-examination.

7 Hence, Civil Application stands rejected.

8 In view of rejection of Civil Application, registration of cross-objection stands rejected.

9 Refund of court fees if any according to law.

**(K.K. TATED, J.)**