

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 637/2018
with
First Appeal (ST) No. 21590/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Naman Gadhia I/b. Arvind Gokhale for the Applicant	

CORAM : K.K.TATED, J.
DATED : APRIL 22, 2019

P.C.

Heard. This Application is for condonation of 3 year and 155 days delay in preferring the appeal challenging the judgment and award dated 26.11.2013 passed by the MACT, Mumbai in Application No.1557/2003 for additional compensation.

2 The learned counsel for the Applicant submits that because of financial difficulty, it remained on the part of the Applicant to file the First Appeal in time. He relies on paragraph 5 of the Civil Application, which reads thus:

(5) After this accident, the Appellant's family is in grievous shock and also sustained substantial financial loss. Further an increasing inflation is an

added peril to continue with litigation. On account of the said accident, the Applicant is still undergoing treatment and is not in a condition to earn his livelihood. The Applicant states that original certified copy was also lost."

3 The learned counsel for the Applicant submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that the Applicant has good chance of success in the matter.

4 It is to be noted that the financial difficulty cannot be a ground for condonation of more than 3 years delay. Bare reading of paragraph 5 of the Civil Application shows that the Civil Application is filed in a very casual manner. Hence, there is no question of condoning the inordinate delay of more than 3 years.

5 Hence, following order is passed:

- a. The Civil Application stands rejected.
- b. In view thereof, the registration of the First Appeal is rejected.
- c. Civil application stands disposed off accordingly.

(K.K.TATED, J.)