

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No.3654/2016  
with  
First Appeal (ST) No.24161/2015

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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. |
| Mrs. Deepa Punde i/b. S. S. Punde for the Applicant                                                       |                            |

**CORAM: K.K.TATED, J.**  
**DATED : AUGUST 13, 2019**

**P.C.**

1 Heard. This Application is for condonation of 5 years and 275 days delay in preferring the appeal challenging the judgment and award dated 25.08.2009 passed by the Civil Judge, Senior Division Panvel in LAR No.47/2008.

2 The learned counsel for the Applicant submits that for want of financial assistance it remained on the part of the Applicant to file the First Appeal within time. She submits that though the judgment and award was passed by the Reference Court on 25.08.2009 the Respondent has

deposited the awarded amount in the Trial Court in the first week of August 2015 and thereafter the Applicant filed the present appeal immediately. She submits that they have good chance of success in the matter. She submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal challenging the impugned judgment and award. She submits that if delay is not condoned irreparable loss will be caused to them. In support of her contention about the financial crisis the advocate for the Applicant relies on para 3 of the Civil Application. On the basis of these facts, and the submissions, the learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay and matter be heard on merits.

3 It is to be noted that in the present proceedings though the judgment and award was passed on 25.08.2009 the Applicant applied for certified copy on 28.06.2010. There is no explanation as to why the Applicant took more than 10 months for making application for certified copy of the impugned judgment

and award. Apart from that the financial crisis cannot be a ground for condonation of delay in filing the First Appeal.

4 In view these facts, I do not find any substance in the Civil Application. Hence, following order is passed:

(A) The Civil Application stands rejected.

(B) The registration of the First Appeal stands rejected.

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