

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.2005 OF 2015
IN
FIRST APPEAL (ST) NO. 28769 OF 2014

The Oriental Insurance Co. Ltd. .. Applicant

Versus

Mr. Sarfuddin Saram Saheb Sayad
and Anr. .. Respondents

...

Mr. D. S. Joshi for the Applicant.
None for the Respondents.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. Civil Application No. 2005/2015 seeks condonation of delay of 90 days in instituting the First Appeal against the judgment delivered by the M.A.C.T. Mumbai in Application No. 311/2012. In spite of notice to the respondents and office noting recording that respondent No. 1 and 2 are duly served, none appears for the respondents.

2. I have heard the learned counsel for the applicant, who has invited my attention to the contents of the said

Sonali Patil

application, by which the delay is sought to be condoned.

3. I have perused the application, apart from stating the reason that legal opinion was sought on the judgment and award before instituting the First Appeal and this has occasioned the delay, there is no explanation offered for delay of 90 days. It is no doubt true that the applicant is Statutory Authority. However, the delay cannot be condoned just for the sake of asking, since The Limitation Act, 1963 governs the period of limitation in instituting the appeals/applications and provides for condonation of delay, if same are not filed within stipulated period by way of an exception and only in terms of the Section 5 of the Limitation Act, where sufficient cause is shown. However, at the same time since the applicant is Statutory Authority, it can be well understood that Statutory Authority has to pass through several hierarchy of Officers and Departments and therefore, equity and justice demand that some lenient view be taken while responding to the such applications of Statutory Authority.

4. For the aforesaid reasons, I am inclined to condone the delay by allowing the Civil Application. However, the delay is condoned subject to payment of cost of Rs.10,000/- to be paid to the respondent. Accordingly, Civil Application No. 2005/2015 is allowed in terms of prayer clause (a), subject to the payment of cost of Rs. 10,000/- to the respondents within a period of 4

weeks. On delay being condoned, Registry is directed to register the First Appeal. Learned counsel for the applicant submits that the matter is now covered by the view taken by the learned Single Judge of this Court and he would place the judgment on record. In view of this, matter is directed to be listed on 25th September, 2019.

SMT. BHARATI DANGRE, J.