

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

**CIVIL APPLICATION NO.1875 OF 2016
IN
FIRST APPEAL (ST). NO. 29249 OF 2015**

Manager, The Oriental Insurance Co. Ltd. Applicant.

Vs.

Smt. Urmila Vasant Deshmukh And Another. Respondents.

.....
Mr. Sandeep Jinsiwale, Advocate for Applicant.

.....

**CORAM : K.K.TATED, J.
DATED : SEPTEMBER 24, 2019**

PC.

- 1 Heard Learned Counsel for the Applicant.
2. By this Civil Application, the Applicant Insurance Company is seeking condonation of 530 days delay in filing the First Appeal challenging the Judgment and award dated 7th January 2014 passed by the Motor Accident Claims Tribunal, Mangaon, Raigad in Motor Accident Claim Petition No. 1229 of 2008 holding that the Respondents/Original Claimants are entitled to sum of Rs. 1,00,450/- by way of compensation with interest @ 7.5% p.a.
3. The Learned Counsel for the Applicant submits that, it remained on their part to file application for certified copy immediately. He submits that the

impugned Judgment and award passed on 7th January, 2014, they immediately filed application for certified copies on 21/08/2014 and the same was ready on 03/09/2014 and collected on the same day. He submits that thereafter, the matter was pending before the authority to take decision whether the appeal to be filed or not. He submits that in the meanwhile, the concerned officer transferred from that department. It remained on their part to take steps for filing appeal. The Learned Counsel for the Applicant submits that they have good chances of success in the present matter. He submits that the Tribunal erred in coming to the conclusion, that Insurance Company is liable to pay compensation, though the vehicle in the accident was not insured. He submits that in the interest of justice, this Hon'ble Court be pleased to condoned the delay in filing the First Appeal and the matter to be decided on its own merits.

4. It is to be noted that, in the present proceeding though the impugned Judgment and award was passed by the Tribunal on 07th January, 2014 the Applicant filed an application for certified copies on 1st August, 2014. There is no explanation in the Civil Application why the Applicant took more than 7 months for filing application for certified copies. On that ground only the Civil Application required to be dismissed.

5. Apart from that, the matter was pending before the concerned officer for taking decision and meanwhile the said officer transferred, that cannot be a

ground for condonation of delay in filing first appeal. Apart from that in the present proceeding in accident which occurred on 28/03/2008, the Respondent/ Original Claimant sustained injuries.

6. The Tribunal after considering the evidence on record held that the Claimant entitle to sum of Rs. 1,00,450/- by way of compensation with interest. In view of above mentioned facts and as the Applicant failed to disclosed the sufficient cause for condonation of inordinate delay of 530 days in filing the First Appeal, I do not find any substance in the present Civil Application. Hence, the following order is passed:

- a. Civil Application stands dismissed.
- b. No order as to costs.

(K.K.TATED, J.)