

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.708/2018
in
First Appeal (ST) No.30266/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mrs. Kruttika Pokde i/b. A. M. Gokhale for the Applicant	

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

P.C.

1 Heard. This Application is for condonation of 1 year and 145 days delay in preferring the appeal challenging the judgment and award dated 09.03.2016 passed by the MACT Palghar in MACP No.24/2012 for additional compensation.

2 It is to be noted that in the present proceedings in an accident which occurred on 22.07.2010 the Applicant sustained injury. Hence, they filed the application u/s.166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.10 lacs. The Trial Court, after considering the evidence on record held

that the Applicant is entitled to sum of Rs.7,20,060/- by way of compensation with interest @ 7% p.a. from the date of petition till realization of the entire amount.

3 The learned counsel for the Applicant submits that because of grievous injuries to the Applicant, it remained on his part to file the First Appeal immediately. She submits that because of financial crisis there was delay of 1 year on the part of the Applicant to take appropriate steps to file the First Appeal. In support of her contention, she relies on para 3 of the Civil Application. She submits that, in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal and the matter be heard on merits.

4 It is to be noted that the Tribunal has passed the impugned judgment and award holding that the Applicant claimant is entitled to compensation of Rs.7,20,060/- with interest @ 7% p.a. Though the judgment and award was passed on 09.03.2016, the Applicant filed an application for certified copy on 18.01.2017. There is no explanation for

delay of more than 10 months in filing the application for certified copy. Bare reading of the Civil Application shows that same is filed in a casual manner. There is no question of financial crisis because the Tribunal has awarded more than Rs. 7 lacs by way of compensation along with interest.

5 Considering these facts and the reasons disclosed in the Civil Application, I do not find any reason to entertain the present Civil Application. There is no sufficient cause for condonation of 1 year and 145 days delay in filing the First Appeal.

6 Hence, following order is passed:

- a. The Civil Application for condonation of delay stands rejected.
- b. In view thereof, registration of the First Appeal stands rejected.
- c. Pending Civil Application, if any, stands dismissed as infructuous.
- d. Refund of Court Fees as per Rules.

(K.K.TATED, J.)