

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

**CIVIL APPLICATION NO. 2980 OF 2014
IN
FIRST APPEAL (STAMP) NO. 33115 OF 2013**

Smt. Surekha w/o. Damodhar Chakane & Ors. ... Applicants
V/s.
Shri. Pradeep B. Singh & Ors.. ... Respondents

Mr. Rayan S. Pawar, Advocate for Applicants.

**CORAM : K. K. TATED, J.
DATED : 11th OCTOBER, 2019**

P.C.:

1. Heard Learned Counsel Mr. Rayan S. Pawar for applicants.
2. This Court by an order dated 30th September, 2019 permitted the applicant to file additional affidavit in support of Civil Application disclosing the date on which they received the compensation awarded by Motor Accident Claims Tribunal, Nashik in Motor Accident Claim Petition No. 278 of 2008. Same is not filed by the applicant.
3. By this Civil Application, applicant is seeking condonation of 1 year and 318 days delay in filing the First Appeal challenging the Judgment and Award dated 29th September, 2011 passed by Motor

Accident Claims Tribunal, Nashik in Motor Accident Claim Petition No. 278 of 2008 for additional compensation.

4. In the present proceedings, the applicant filed application under section 166 of Motor Vehicle Act for a compensation of Rs. 25,00,000/- on the death of Damodhar Chakane the husband of applicant no.1. The Tribunal after considering the facts on record held that, applicants are entitled for a compensation of Rs. 14,37,000/- with interest at the rate of 7.5% p.a. from the date of application till realization of entire amount. Though the Judgment and Award was passed by the Tribunal on 29th September, 2011, applicant applied for certified copy on 19th December, 2012 and same was ready and collected by the applicant on 28th December, 2012. Thereafter the present First Appeal filed by the applicant on 18th November, 2013.

5. Advocate Mr. Rayan S. Pawar for applicants submits that because of financial difficulty it remained on the part of applicant to file the First Appeal immediately. In support of his contention, the learned counsel for the applicant relies on para 3 of Civil Application which reads thus :

“3. It is submitted that the Ld. Member has awarded very meager amount of

compensation and the Applicants being victims they will have to face various difficulties to carry on their livelihood. It is submitted that the Applicants have good chances of success in the above mentioned matter, and hence, in the interest of justice, the Hon'ble Court may be pleased to condone the delay caused in preferring the Appeal. If the delay is not condoned, irreparable loss will be caused to the Applicants."

5. The learned counsel for the applicant submits that, the delay is not intentional and deliberate. He submits that, applicant have good chance of success in the present matter. He submits that, delay in filing the First Appeal be condoned.

6. It is to be noted that, in the entire Civil Application there is no explanation, why the applicant took more than one year in filing the application for certified copy. Not only that when the certified copies were collected by the applicant on 28th September, 2012, the present appeal filed by the applicant after more than one year. There is no explanation in the Civil Application for such delay also. Apart from that applicants failed to disclose, when they received the compensation

award by the Tribunal. This itself shows that, the Civil Application filed in casual manner. Bare reading of Civil Application shows that, applicants failed to disclose the sufficient cause for condonation of 1 year and 318 days delay in filing the First Appeal. Therefore, I do not find any substance in the present Civil Application. Hence following order.

ORDER

- a) Civil Application for condonation of delay stands rejected.

(K.K.TATED, J.)